



**MOBILEHOME RENT REVIEW COMMISSION
AGENDA (SPECIAL MEETING)**

**WEDNESDAY, JUNE 16, 2010
6:00 P.M.**

**CITY HALL
COUNCIL CHAMBERS**

CALL TO ORDER/ROLL CALL

Brett Davis _____, Steve Epstein _____, Rudy Gonzalez _____, Edmond LaPierre _____, Sam Longanecker _____, Cesar Padilla _____, Ramon Riesgo _____.

1. APPROVAL OF MINUTES

❖ 5/19/10, Attachment #1

- 2. BRENTWOOD MOBILE HOME PARK HEARING CONTINUATION** – The Commission tabled the discussion from the May 19th Hearing to continue the consideration of proposed rent increases for two hundred (200) spaces at Brentwood Mobile Home Park, located at 1100 Industrial Boulevard in Chula Vista, Attachment #2.

3. STAFF COMMENTS

4. MEMBERS COMMENTS

5. PUBLIC COMMENTS

Opportunity for members of the public to speak to the Mobilehome Rent Review Commission on any subject matter within the Commission's jurisdiction but not an item on today's agenda. Each speaker's presentation may not exceed three minutes.

- 6. ADJOURNMENT** – To the next regularly scheduled meeting of July 15, 2010.

Dated: 06/09/10

COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)

The City of Chula Vista, in complying with the Americans with Disabilities Act (ADA), request individuals who require special accommodations to access, attend, and/or participate in a City meeting, activity, or service request such accommodation at least forty eight hours in advance for meetings and five days for scheduled services and activities. Please contact Redevelopment & Housing for specific information at (619) 691-5047 or Telecommunications Devices for the Deaf (TDD) at (619) 585-5647. California Relay Service is also available for the hearing impaired.

**CITY OF CHULA VISTA
DRAFT MINUTES
MOBILEHOME RENT REVIEW COMMISSION**

**Wednesday, May 19, 2010
6:00 P.M.**

**CITY HALL
COUNCIL CHAMBERS**

CALL TO ORDER/ROLL CALL – 6:04 P.M.

PRESENT: Brett Davis, Steve Epsten, Rudy Gonzalez, Pat LaPierre, Sam Longanecker, Cesar Padilla, Ramon Riesgo

STAFF: Mandy Mills, Redevelopment & Housing Manager
Stacey Kurz, Senior Project Coordinator
Simon Silva, City Attorney

1. APPROVAL OF MINUTES

April 15, 2010

Member Longanecker requested that future approval of meeting minutes reflect the reason for abstaining, as applicable. Member Gonzalez, made a motion to approve the minutes as otherwise written. Member Davis second the motion. All other members agreed to approve the motion.

2. STAFF COMMENTS (Moved up on agenda from #3 by Chair Padilla)

- ❖ Upcoming events – Staff Kurz provided a brief update on upcoming events that may be of interest to commission members and/or the public as follows:
 - Civic Center Library Veteran's Wing Opening – Located at 365 F Street, ceremony to dedicate the new wing will take place at 3 p.m. on June 4th.
 - Boards & Commission Recognition Event – Annual event for commissioner to be held June 23rd at City hall beginning 7 p.m.
 - South Bay Homeownership Resource Fair – To be held at City Hall from 9:30 a.m. – 2:00 p.m. on June 26th for anyone interested in purchasing a new home in the south bay of San Diego or existing homeowners.

3. BRENTWOOD MOBILE HOME PARK

Chair Padilla opened the hearing indicating that both the park owner and residents would receive equal time to present their case. Residents were to receive two (2) minutes a piece, and if they had time donated a cumulative amount of time based on the number of donated speaker slips. Chair Padilla then asked Staff Kurz to provide a brief overview of the staff report that was included in the agenda packet and the recommendation as proposed.

Chair Padilla invited the park owner to the podium and notified him that he had up to 72 minutes (equal to the number of speaker slips submitted by residents)

Park owner representative William Dahlin provided an overview of Exhibit 3, the park owner's submittal, and provided an update to pages 17-18 and an additional submittal titled Aspen Group Electric Utility Analysis, both included in the June 16th agenda packet.

Mr. Dahlin summarized that a fair rate of return for this type of investment is expected to be 12.6% on the conservative side. Most investors expect rents to keep pace at least with inflation. So, in order to compensate the investor whose rents are going to go up slower than an investor that purchased a non-rent controlled park (which covers most of the United States) a higher rate of return is recommended. In Mr. Dahlin's opinion, the appropriate rate of equity return for this park is over 13%, and therefore the requested rate of return of 9%, is conservative. Mr. Dahlin also indicated that the park has a program for

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those that are having difficulty making their monthly rental payment, and that someone can pick up information at the park management office regarding.

Vice Chair Gonzalez questioned the hand out in item #3, showing the purchase of street lights and fixtures and poles, but it doesn't show the installation? Mr. Dahlin responded indicating that they have been installed and the cost was folded into one of the other line items.

Chair Padilla complemented Mr. Dahlin on the information that had been provided to the Commission. Mr. Dahlin responded indicating that he pointed that out at the beginning of the presentation, these are the hard, out of pocket expenses that the park owner is asking for reimbursement spread out over time.

Vice Chair Gonzalez asked how capital expenses differ from maintenance expenditures? Whether a rebate program is available from SDG&E for upgrades, how the \$700 fee determined, and how the market rent for incoming tenants was determined?

Member Riesgo asked if there were projects pending due to the outcome of this meeting? Mr. Dahlin responded that it was the parks intent to complete all projects that have been itemized, the largest hold-up has been the laundry room and the owner is awaiting issuance of building permits from the City in order to complete this item.

Chair Padilla questioned staff as to whether all capital expenditures, as identified in the analysis (#17 & 18) are all acceptable expenses for consideration in the hearing on rent increases? Deputy City Attorney Silva responded that the commission has the ability to look at all expenses as identified in Chula Vista Municipal Code §9.50.073 (Factors to Consider in Fixing Space Rent Through the Hearing Process). The exception per CVMC 9.50.073 is any expense for which the park owner has been reimbursed or if a replacement or repair incurred as a result of the park owner's negligence.

Member Epsten asked whether the installation of the fire hydrants was a mandated/wanted condition of taking over the park? Mr. Dahlin indicated that it was a negotiated item with the City.

Chair Padilla invited affected residents to speak.

Irene Bourke (speaking for affected residents Edna Irwin and Hope Peterson): Ms. Bourke indicated that she is a resident of Granada Mobilehome Park, and looked at her purchase their as a retirement home. She indicated that mobilehomes are not really mobile and you are both a owner and renter. Rent control was upheld as a right by the Superior Courts and continue to see parks bought by big corporations. Ms. Bourke provided comparisons to apartment living and she feels that some Spanish speaking people have been coerced into signing things that they don't understand. Ms. Bourke also indicated that she visited Orange Tree, a resident owned park and their HOA dues were \$60 per month. She summarized indicating that many residents don't know their rights and are afraid of consequences from management, and a poor investment decision to purchase the park should not give them higher rents.

Alicia McGinnis (speaking for affected residents Evelyn Holland, Buster Blair, Gerry Leos, Frank Suriano, Helen Thompson and Dennis Holland): Ms. McGinnis indicated that she is a resident of Otay Lakes Lodge and addressed two items that the mobilehome park owner is trying to pass on to the renters in Brentwood. According to the Public Utilities Commission (PUC) – park owners receive discounts when they have submetered electric systems and are therefore unable to pass the cost to replace the electrical system. The city storm drain cost was passed on to residents who pay an average of \$550 a month. Ms. McGinnis gave a comparison of Bayview Mobilehome Park and Brentwood as she indicated have similar financial circumstances and read from Dr. Barr's analysis page ii. Commissioner Gonzalez asked for copies of her documentation, included in the June 16th agenda packet.

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Daniel Runyan (speaking for affected residents Ignacio Villanueva, Catalina Silva, Esther Martinez, Dorothy Johnson, Ofelia Amador, Julian Cornwall, F. Dalict and William Whelden): Mr. Runyan has lived at Brentwood for 22 years. He indicated that the economy in San Diego is in or near depression, with high unemployment and school weeks being reduced, causing parents to incur the expense of a babysitter. Mr. Runyan further described other economic signs including: high rates of foreclosures, cities near bankruptcy, and high donations to food banks. He further went on to say that the elderly are facing higher medical costs and if this rent increase occurs, this would mean a loss of taxable dollars in Chula Vista because the rent increase money will not be spent here. He then read an excerpt from 9.50.073, Section F referring to the timing of increases and he indicated this timing is totally wrong.

Norma Runyan (speaking for affected residents Helen Kellish and Raul Alvarez): Ms. Runyan is a Brentwood resident and President of the HOA. Ms. Runyan stated that people in Brentwood can't afford a rent increase, with several single moms and unemployed people. Ms. Runyan questioned how the new fire hydrants were paid for? She further indicated that the park owner sent out letters subsequent to the original notice that were seen by many as a threat with the "\$32.00 being non-negotiable" language. She further indicated that at the Voluntary Meeting the park owner offered \$40,000 to the HOA if the case did not go to hearing and she took it as a bribe.

Staff Kurz gave some information to clarify the situation regarding the Title 25 code violations at the park under the previous park owner. Deputy City Attorney Silva further advised the Board that the standard is that the electrical repair does fall within the things that they can ask for. However, it is a factual interpretation whether 1) it was a serious code violation or 2) that negligent or there was a failure of the park owner to maintain it. So, that is the factual part that they have to decide whether it is allowable or not allowable.

Penny Vaughn (speaking for affected residents Jackie Wigle, Sophie Marian and Angela Surriano): Ms. Vaughn is President of the Chula Vista Mobilehome Residents Association and resident at Otay Lakes Lodge. Ms. Vaughn indicated that she was concerned that the park owners paid for the repair of the storm drain and not the City. Ms. Vaughn stated that new residents were paying \$675 per month and the park has added 9 new spaces. She further indicated that the park is spending \$20,000 to demolish the current laundry rooms, but that will provide two new spaces at \$675 a month. Is the income from these new spaces shown anywhere in their proposal? Ms. Vaughn stated that the discount from SDG&E was about \$11.38 in 2004, and some of the electric in spaces is not working. She expressed her concern whether the upgrade to such a large electric system was necessary. Ms. Vaughn's further expressed her concern that this decision will have a trickle-down affect and that the appraiser hired by the park owner is with prejudice. Ms. Vaughn further indicated concern over the City's previous ability to hire a fair return analysis expert, but inability to do so now in a time of need.

Commissioner Gonzalez asked if the \$675 per month rent was for a single or double-wide unit. Mr. Dahlin stated that the cost for either was \$675.

Chair Padilla asked the Spanish interpreter to the podium.

Elsa Riviera: Ms. Riviera, a Brentwood resident indicated that there have always been sewage problems at the park.

Victoria Morrison: Ms. Morrison is a Brentwood resident and indicated that she was saddened by the continual increases. She indicated that they do not need new laundry rooms and knows that park owner is making millions. She further indicated that her only source of income is Social Security, which in the past increased every year but has now been cut and she is alone and unable to vacation due to her medical costs and need to purchase food.

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Jesus Nava and Samantha Tassinari chose not to speak. Chair Padilla asked the interpreter to explain that the park has a program for those that cannot afford to pay their rent and she then returned to the translation booth.

Oscar Stanley: Mr. Stanley, a Brentwood resident and former President of the HOA, expressed that the new owners have made needed repairs to bring the park "up to speed" and make it look like some of the other parks. He further indicated that he is speaking for 60-70 people that don't mind the increase, some of which have been told to keep quiet regarding.

Theresa Milks chose not to speak.

James Brown: Mr. Brown is a resident of Brentwood and stated that people on Social Security will not be getting any increase for two years.

Sheldon Goldie: Mr. Goldie is a resident at Granada and is not affected by the increase, but wanted the Board to think about the economic situation. He indicated that \$100 a month is nothing for a large corporation, but \$100 is a lot of money if you're on a fixed income, it means getting an additional job or cutting an essential need.

Jim Matney (donated time by Kenneth Small): Mr. Matney is not affected and lives in the Chula Vista Mobile Home Park. He was a member of the Stakeholders group that met and they were given papers stating that Brentwood had been penalized in 2006 and there was about \$55,000 in penalties that had been incurred by the previous park owners and further indicated it was his understanding that the matter ended in litigation. Mr. Matney questioned where that money went? Staff Kurz explained that the City collects, through pass throughs, a small portion of the costs associated with running the Title 25 inspection program. Deputy City Attorney Silva added that the litigation had been settled and there were no funds remaining. Mr. Matney stated that the residents did not have the funds to solicit a second opinion, but suggested that funds should be found for this purpose.

Theresa Acerro: Ms. Acerro, President of the Southwest Chula Vista Civic Association, stated that Brentwood had been a mess and there were numerous code violations that generated \$250,000 in fines. She also questioned where the money from these violations went? She expressed that the new owners knew about the violations and costs before they purchased the park and it is not fair to pass those expenses on to the residents. She indicated that the park owner's attorney stated that they had received a consideration for the fire hydrants – why are they trying to get compensation from the residents now? Ms. Acerro summarized by indicating that she does not think they are legally allowed to pass on the costs of the electric system to the residents and the rent increase is unfair.

Delores Dempsey: Ms. Dempsey is from Granada Mobile Estates and stated that when the park was bought rent control was in effect and the new owners were aware of that prior to the purchase. Ms. Dempsey then began to poll the audience asking how many people were living in mobile home parks if it was the first time they had lived in a park and indicated that the response shows that they came in with a lot of trust and this is especially difficult now because of the economy.

Daniel Cacho: Mr. Cacho is an unaffected park owner from Don Luis Estates and indicated that the Commission has a job to be fair to both sides, and cannot only consider the accusations of the residents but have to protect the park owners too. He further expressed that the Board has to protect the park owners that are doing a good so the parks are not sold to large corporations.

Bob Wisherd: Mr. Wisherd is a Brentwood resident and wanted the Board to remember that last fall Social Security and government retirements had all increases frozen but cost of living has gone up. People have had to bite the bullet and feel the park owners should too.

Park Owner Rebuttal (5 minute maximum)

Mr. Dahlin indicated that the owners have considered the expense to residents and that is why the proposal of \$96 will be spread over 3 years. The money they are asking for has already been spent and the rent increase is only reimbursement for that money, completed by local workers with money spent here in Chula Vista. Mr. Dahlin further indicated that one-third of the park is in agreement that the rent increase is appropriate, but to enact it a 50% approval is needed. When the 50% is not reached, the matter is presented to the Board.

Resident Rebuttal (5 minute maximum)

Alicia McGinnis would like to clarify where the monies from the code violations went and what concessions were considered at time of purchase.

Chair Padilla asked if the City had knowledge to whether the park owner received concessions and Staff Kurz indicated that the City was only involved in the litigation regarding the code violations not the acquisition that was a private transaction.

Helen Kellish, Brentwood resident, asked if the park owner has spoken to any of the residents whom signed the agreement, and Mr. Dahlin indicated that Mr. Johnloz had spoken to almost all of them.

Irene Bourke indicated that if they purchased a broken park they should have received a good deal on the purchase. They should be allowed to receive a fair return over the life of the park, but not receive immediate return.

Norma Runyon, Brentwood resident, also inquired into the 70 residents that agreed to the increase.

Chair Padilla concluded the public hearing process.

Deputy City Attorney Silva stated that the Board was entitled to request any pertinent documents to determine if the owners had received concession for the improvements and therefore could not be reimbursed. Mr. Johnloz, park owner, advised that the closing statement shows the property was purchased with no concessions. There was also some money escrowed from the proceeds to satisfy the City fines against the previous owner.

Member Gonzalez, questioned whether the condition of the park was considered in the price. Mr. Johnloz indicated that they purchased the park in the condition it was in but also understood that based on the City's ordinance they would be able to petition for an increase within a reasonable time after the purchase. They purchased the park in the condition it was in.

Member Epstein asked whether the owner's knew if the ground lease extension was a given after the purchase. Mr. Johnloz indicated that they did not know if they would be able to successfully extend the lease at time of purchase.

Chair Padilla indicated they would now move to Commission deliberation.

Chair Padilla asked if there would be documentation that would answer the questions regarding the purchase and whether concessions were taken. Deputy City Attorney Silva answered that the Commission can ask for additional information; however he is unsure whether there is documentation to answer those questions.

Chair Padilla asked the Board if the matter should be tabled for the present. Commissioner Gonzales made a motion to continue the item until June 16th. Commissioner Davis seconded the motion and it carried 5-0.

4. MEMBER'S COMMENTS

No comments.

5. PUBLIC COMMUNICATIONS

No comments.

6. ADJOURNMENT – Meeting was adjourned at 9:18 p.m.

Recorder, Stacey Kurz

The City of Chula Vista Development Services Department
MEMORANDUM TO THE
MOBILEHOME RENT REVIEW COMMISSION

Attachment No. 2

Staff: Stacey Kurz

DATE: June 9, 2010

SUBJECT: **RENT INCREASE FOR BRENTWOOD MOBILE HOME PARK-**
CONTINUATION OF MAY 19th HEARING FOR CONSIDERATION OF
PROPOSED RENT INCREASES FOR TWO HUNDRED (200) AFFECTED
SPACES OF BRENTWOOD MOBILE HOME PARK, LOCATED AT 1100
INDUSTRIAL BOULEVARD IN CHULA VISTA AND REQUEST FOR
ADDITIONAL INFORMATION

This memorandum is being provided to the Mobilehome Rent Review Commission due to the request for documentation as presented by various constituents during the May 19th public hearing and the request of the Commission for further documentation, if any existed, in relation to the acquisition of the park and the Title 25 violations.

Enclosed please find the following documents for your consideration:

1. Documentation from May 19th Hearing
 - A. Revised page 17 & 18 of Exhibit 3
 - B. Aspen Group Electric Utility Analysis
 - C. Alicia McGinnis Testimony
 - D. Penny Vaughn Testimony (Revised since May 19th Hearing)
2. Additional Information Requested by Commission
 - A. Park Owner Submitted Documentation
 - B. Resident Submitted Documentation

In addition, please note on page 14 of the May 3, 2010 staff report, Table 5 provided the rent roll for affected spaces and should have reflected the current rent roll for the entire park, as follows:

Table 5: Predominant Rents

EXISTING RESIDENTS	Low Rent	Average/ Predominant Rent	High rent
Brentwood Park	\$429	\$556	\$763

Should you have any questions regarding the attached please contact my office at (619) 585-5609.

Sincerely,

Stacey S. Kurz
Senior Project Coordinator

EXHIBIT 1A

BRENTWOOD MHP CAPITAL EXPENDITURE RECOVERY ANALYSIS

DESCRIPTION OF COMPLETED OR IN PROCESS PROJECTS	COST
1. COMPLETE REPLACEMENT OF THE ELECTRIC DISTRIBUTION SYSTEM	\$ 1,354,852.51
2. STREET REPAIR AND RESURFACING	\$ 324,300.50
3. PURCHASE STREET LIGHT FIXTURES AND POLES	\$ 11,076.02
4. INSTALLATION OF A COMPLETE FIRE HYDRANT SYSTEM THROUGHOUT BRENTWOOD	\$ 410,299.27
5. INSTALLATION OF BLOCK PERIMETER WALL ALONG NORTH SIDE OF PROPERTY	\$ 55,300.00
6. REMODEL AND RE-PLASTER POOL, JACUZZI AND DECK AREA	\$ 38,175.50
7. CONSTRUCT BLOCK WALL BEHIND POOL	\$ 12,050.00
8. REPLACE ROOF ON CLUBHOUSE	\$ 11,000.00
9. REPLACE WINDOWS IN CLUBHOUSE	\$ 15,186.00
10. CONSTRUCTION OF 9 NEW SITES TO REPLACE OLD RV AREA	\$ 96,224.19
11. PURCHASE AND INSTALLATION OF SECURITY CAMERA SYSTEM	\$ 3,661.92
12. CLUBHOUSE PAINTING	\$ 7,500.00
13. INSTALL CONCRETE FOR CENTRAL MAILBOX UNITS	\$ 2,510.00
14. REPAIR OF CITY STORM DRAIN LINE	\$ 17,579.87
15. REMODELING OF PARK OFFICE	\$ 5,820.00
TOTAL	\$ 2,365,535.78

DESCRIPTION OF PROJECTS TO BE COMPLETED	COST
1. CONSTRUCTION OF NEW LAUNDRY & MAINTENANCE BUILDING	\$ 150,000.00
2. REMOVAL OF OLD LAUNDRY BUILDINGS	\$ 20,000.00
3. FINAL STREET REPAIR AND RESURFACING	\$ 163,600.00
4. RESURFACING OF ALL DRIVEWAYS	\$ 75,450.00
TOTAL	\$ 409,050.00

ADDITIONAL LEASE COSTS	COST
1. ONE TIME INITIAL LEASE EXTENSION PAYMENT 12/31/18 - 12/31/2049	\$ 450,000.00
TOTAL	\$ 450,000.00

GRAND TOTAL \$ 3,224,585.78

GROSS MONTHLY RENT REVENUE NEEDED TO RECAPTURE TOTAL CAPITAL EXPENSE, AMORTIZED OVER 40 YEARS, WITH 9% INTEREST/RATE OF RETURN FACTOR	\$24,873.21
MONTHLY SPACE RENT NEEDED ON A SPACE BY SPACE BASIS TO COLLECT NEEDED MONTHLY REVENUE TO RECAPTURE CAPITAL EXPENSES INCURRED AFTER PURCHASE OF LEASEHOLD	\$96.40

EXHIBIT 1B

Capital Improvement Rent Increase Application
Presented by Brentwood Mobile Home Park

Declaration of Richard J. McCann, Ph.D.
Aspen Environmental Group
8801 Folsom Blvd. Suite 290
Sacramento, CA 95826
May 19, 2010



Introduction

I am a Senior Associate with Aspen Environmental Group, an environmental analysis and policy consulting firm. My business address is 8801 Folsom Blvd, Suite 290, Sacramento, California, 95826.

I have testified before the California Public Utilities Commission on appropriate rate-setting for Electricity San Diego Gas and Electric (SDG&E), Southern California Edison, Southern California Gas, and Electricity Pacific Gas and Electric Companies. I also have testified before the Federal Energy Regulatory Commission, the California State Legislature, the California Energy Commission, the California State Water Resources Control Board, the California Air Resources Board, the Illinois Commerce Commission and the Oklahoma Corporation Commission. My qualifications and a listing of previous testimony are attached to this declaration.

I was retained by Brentwood Mobile Home Park to determine what portions of the electric utilities' costs in the Brentwood Mobile Home Park Capital Improvement rent application are consistent with the California Public Utilities Commission's (CPUC) definition of a "submetered system" and what portion of that capital cost is recoverable outside of the submeter credit or "space discount" provided by SDG&E. I have reviewed the application, the appropriate legal statutes, decisions and regulatory proceedings, and the applicable utility rules.

The majority of mobilehome parks in California are "master metered." Utility service, such as electricity, gas or water, is delivered to a single meter at the park, and the service is then delivered to end-users at the individual mobile home spaces through a private distribution system, which is often separately "submetered." State law defines what costs can be recovered directly from tenants in these submetered systems. The CPUC establishes the rates that can be charged by master-meter customers to their submetered tenants for gas and electric service. Brentwood submeters electricity services.

At issue in this application is what electric service costs are returned to master-meter customers by SDG&E through the submeter credit returned, and what costs are the sole responsibility of the park owner as a master-meter customer which may be recovered through rent?

I have concluded that the application is consistent with CPUC policies defining a submeter system for the purpose of calculating the submeter credit for the serving utility, SDG&E. The capital improvement expenses included in the Brentwood application are not now recovered through any other mechanism including the submeter credit. Therefore, the cost can be recovered through rent.

The Regulatory Setting

1. What Are the Legal Requirements for Cost Recovery by Electric Master-Meter Customers?

Public Utilities (PU) Code §739.5 requires that submetered park residents pay for electric and gas service at the "applicable" rate charged by the investor-owned utility which would have otherwise served those residents. In simple terms, that means the homeowner pays the same electric rates as a resident directly served, metered and billed by SDG&E would pay. This statute also requires that the Commission establish a master-meter rate that includes a "sufficient differential to cover the reasonable average costs" of providing submetered service. CPUC decisions have established the principle that this "differential" is the exclusive method for park owners to recover costs of the submetered system.¹

PUC §739.5(a) establishes three tests to be used by the Commission in establishing the master-meter differential.² These tests are:

- 1) *Residence indifference* - "(T)he master-meter customer shall charge each user of the service at the same rate which would be applicable if the user were receiving gas or electricity, or both, directly from the gas or electrical corporation."
- 2) *Sufficient compensation floor for master-meter customers* - "The commission shall require the corporation furnishing service to the master-meter customer to establish uniform rates for master-meter service at a level which will provide a sufficient differential to cover the reasonable average costs to master-meter customers of providing submeter service..."
- 3) *Average utility cost ceiling* - "(T)hese costs shall not exceed the average cost that the [utility] corporation would have incurred in providing comparable services directly to the users of the service."

The first test guarantees that the park tenants will be "indifferent" between receiving service from either a public utility or a park owner, and that where one resides shall not affect rates. The second test sets a threshold to ensure that a high proportion of park owners will recover their actual costs in providing master-metered service. This test is meant to provide a lower boundary on the possible range of the differential. The third test establishes the upper boundary as the average cost of the utility company providing comparable service. In the end, the Commission is left with some discretion about how to set the space discount, so long as it falls within the criteria set out by §739.5.

2. What Are the Appropriate Standards for Determining What Energy Services Costs Should Be Included in Brentwood's Application?

Under state law, the CPUC determines how much credit a master-meter customer should receive from a public utility for submetering customers. This submeter credit is based on what costs the utility saves by not having to directly serve each of those customers. The costs that are saved are calculated using estimates of how much it would have cost the utility to construct and maintain the park's utility system. To make these estimates, the utility takes responsibility for the system (1) up to the meter that connects

¹ D.95-02-090 and D.95-08-056.

² Also known as the "space discount" or "submeter credit."

the individual customers and (2) up to a cost ceiling established by the CPUC. The master meter customer is responsible for the all equipment and associated costs beyond the meter and above the cost ceiling. The rules which define these responsibilities, also define the "submeter system." In a nutshell, the submeter system is the gas or electricity service that runs between the park's master meter and the individual tenants' submeters. All electric and gas services beyond the submeter are not within the submeter system under CPUC-adopted rules.

Within this community, Brentwood MHP operates a submetered electricity distribution system. Under this type of service, Brentwood receives the electric utility services through a master meter under SDG&E rate schedule DT. In turn, Brentwood MHP submeters service to its residents. PU Code Section 739.5 mandates that the California Public CPUC ensure that the rates charged to a submetered resident for utility service are the same as the rate that would be charged that customer if service were provided directly by SDG&E. In addition, SDG&E's master-meter rate schedules provide a submetering discount to the park owners.

This submeter discount or differential is intended to compensate the master meter customer for the costs of serving the submetered residents within the rules set out by the CPUC, since the master-meter customer is providing the utility service, not SDG&E. The discount is set at what the average cost would be if the local utility served the residents directly. In other words, the utility (i.e., SDG&E) should be indifferent financially between serving a resident directly and having the master-meter customer (i.e., Brentwood) provide service to a resident because the utility is passing through the revenues associated with the expected cost of service to the master-meter customer. Likewise, the submetered residents should be indifferent because their utility rates will be the same whether charged by the master meter customer or the utility.

Under the CPUC's rules, if the service to a customer is reinforced or upgraded rather than simply replaced, i.e., the amperage is increased or the existing facilities upgraded in a manner that improves customer service, the customer is responsible for paying the costs that a new customer would incur. In the case of master-metered service, the submetered customer is the appropriately-designated "customer" under this rule. The customer then pays a portion of the costs to reinforce the system as defined in the utility rules for service extensions.

3. How Does the CPUC Define a "Submetered System?"

The CPUC exercises its discretion to set rates in the relevant rate cases and rules definition proceedings that proscribe utility decisions. In doing so, the CPUC has adopted a definition of what constitutes a submetered system in the rate cases and associated utility rules. In the cases of SDG&E, the relevant submeter definition is established by the third test—the average cost that would have been incurred by the utility to directly serve these customers.

SDG&E has a set of service rules which define what portions of utility system costs are the responsibility of the utility, and what costs are the responsibility of the customer (usually called the "Applicant" in the relevant rules). The division of a customer's cost responsibility falls into two categories:

- 1) customer facilities installed beyond the meter, and
- 2) installation costs incurred that exceed a pre-defined allowance.

In conducting their studies on the costs to establish direct-metered service for mobilehome park residents, SDG&E uses these rules in defining those costs.

The utility rules define at what point utility ownership ends and customer ownership begins. Otherwise the utilities could claim ownership of a portion of each customer's house! For all utilities, that line is drawn at the meter. The service line connecting the customer from the home to the meter, and the support structure for the meter itself are the cost responsibility of the customer—the utility does not recover these costs in rates.

The utilities also are limited to how much they can recover in rates for connecting each customer. This is to prevent the utility from installing any customer, no matter what the cost, and then recovering these costs, along with a return on investment, from all ratepayers. This rule is designed to protect overall energy rates. The result is that customers who incur higher costs to be connected must foot the bill themselves.

The CPUC has formally adopted a definition of what constitutes a "submetered utility system" in D.04-043, issued in April 2004 in Order Instituting Rulemaking (OIR) R.03-03-017. The boundaries of the utility system are delineated in Attachment A of that decision:

Boundaries of the distribution system and services within the master-metered mobile home park (MHP) whose costs are recovered through the sub-metering discount. - Distribution system and service facilities running from the master meter to, and including, the tenant's meter that are used to deliver electricity to the sub-metered tenant. This does not include required service equipment that would otherwise be owned and maintained by a directly-metered MHP owner pursuant to Electric Rule 16.D.1.c. (including but not limited to: the meter pedestal, its foundation and the meter panel). It also does not include, where applicable, the excavation and supporting substructures of the required service equipment that would otherwise be owned and maintained by a directly-metered MHP owner pursuant to Electric Rule 16.D.1.a.

4. How Did the CPUC Use these Rules in Establishing the Submeter Credit for SDG&E?

The CPUC has adopted the cost estimates provided by SDG&E (with some modifications by intervenors) as the appropriate basis for setting the submeter credit to master-meter customers such as Brentwood. These cost estimates use the submeter system definitions incorporated into the relevant utility rules to set boundaries on applicable utility costs. For SDG&E, the CPUC most recently adopted the present space discount in D.05-12-003. This discount is \$0.272 per space per day, which is shown as a credit on the electric utility bill to Brentwood MHP.

5. What Are the Specific Components of Electric Utility Service Not Recovered in the Submeter Credit?

CPUC D.04-04-043 in Attachment A, Section 4, clearly delineates what costs incurred by a master-meter customer such as Brentwood are not recovered through SDG&E's space discount:

Costs Not Covered by the Discount

Categories of costs related to electric utility service that are either not incurred by the utility when it directly serves MHP tenants or are not reflected in utility rates for direct service, but are incurred by the owners or operators of master-metered MHPs. This may include Applicant (MHP owner) responsibility service equipment required by utilities to provide service to the MHP

(Electric Rule 16) and equipment to hook-up the mobile home to the MHP's electric service. The following are the categories of electric costs for which the owners of master-metered MHPs are not compensated through the electric sub-metering discount provided pursuant to a utility tariff. Such costs may only be separately charged to sub-metered tenants if doing so can be shown not to violate any of the following: (1) Public Utilities Code Section 739.5(a), (2) related case and statutory law that owners of sub-metered MHPs may not pass through to tenants as rent increases costs related to the repair and maintenance of their sub-metered electric utility systems if such cost components are covered by the sub-metering discount, or (3) other local rent control ordinances:

- Costs related to common area
- Purchase and capital-related installation, repair and maintenance costs for: pedestals, meter sockets, circuit breakers, service panels, and support pads.
- Trenching (excavation) for (1) *underground service reinforcements, as defined by Rule 16.F.1 [emphasis added]*; and (2) expansion of sub-metered distribution and services under Rules 15.B.1.a and 16.D.1.a(2).1 (Trenching for maintenance and repair is included in the discount)
- Conduits for (1) *service reinforcements, as defined by Rule 16.F.1 [emphasis added]*; and (2) expansion of sub-metered distribution and services under Rule 15.B.1.a and 16.D.1.a(3).2 (Capital related costs for initial installation only, not maintenance and repair, which are already covered by the discount).
- Substructures and protective structures for (1) *service reinforcements as defined by Rule 16.F.1 [emphasis added]*; and (2) expansion of sub-metered distribution and services under Rule 15.B.1.a and 16.D.1.a.3
- Capital investment related costs for the cost components listed in this Section 4 if not otherwise directly recovered by the MHP owner, such as:
 - depreciation
 - return on investment
 - taxes related to capital investment (including property taxes).
- Operations and maintenance expenses for the interconnection between the meter set and each sub-metered dwelling unit (mobile home), including associated taxes.

Facts Specific to the Case

6. What Costs Are Included in the Brentwood MHP Rent Request Related to Electric Utility Service?

The utility system at Brentwood MHP was reinforced or upgraded by increasing its amperage from 30 and 50 amps to a uniform standard of 100 amps. This upgrade improves the service within the park to its 258 tenants and five other common area spaces by allowing for larger loads such as air conditioners and computers to be placed on the park's utility system. In addition, a streetlighting system was installed. The total cost of the reinforcement and streetlight system was \$1,461,172.01.

7. How Much Will Brentwood MHP Recover of Its Capital Investment Costs through the SDG&E Master Meter Discount?

SDG&E calculated the master meter discount (or submeter credit) using the "marginal customer cost" (MCC) methodology consistent with CPUC D.04-11-003, Order Number 7. SDG&E made that calculation in its 2005 Rate Design Window filing (A.05-02-019). The CPUC adopted SDG&E's proposed master meter discount of \$0.272 per space per day for Schedule DT in D.05-12-003. The Capital Investment Cost component of the master meter discount, consistent with CPUC D.04-04-043, is \$362.14 per space. Thus, the total Capital Investment Cost to be recovered through the master meter discount is \$93,432.76. This amount is to be excluded from rent, per CPUC D.04-04-043.

Conclusions

8. What Are the Specific Components of Electric Utility Service Not Recovered in the Submeter Credit Which Are Included in the Brentwood Application?

Since the (1) the electricity system was reinforced per the definition in SDG&E's Rule 16, and (2) the streetlights are part of the park's common area, the total Capital Investment Cost for utility system is eligible to be recovered through rents. No other utility systems were installed or replaced simultaneously; therefore, the trenching costs need not be allocated among different utility services per CPUC D.04-05-056. The submeter credit of \$93,432.76 is credited against the total cost of \$1,461,172.01. The remaining Capital Investment Cost can be recovered through rents. The total allowed, without any interest or "return on investment, [and] taxes related to capital investment (including property taxes)," is \$1,367,739.25.

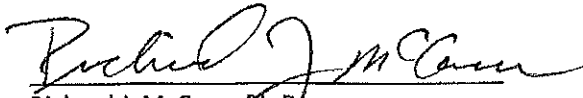
9. What Are Your Conclusions about the Brentwood Capital Improvement Rent Application?

The Brentwood application for a Capital Improvement rent increase is consistent with CPUC policies and decisions that implement PUC §739.5, including D.04-04-043, D.04-05-056, D.04-11-033, and D.05-12-003. The application includes only those costs which are definitively outside of SDG&E's responsibility, and as such, are not included in the submeter system when calculating the submeter credits in Schedules DT for SDG&E. Based on this analysis, the Capital Improvement rent request should include \$1,367,739.25 in electric service costs.

10. Final Declaration

I could and would competently testify to the foregoing facts and conclusions herein from my own personal knowledge and/or expertise. I have been paid at my normal professional hourly rate of \$200 per hour to review the application submitted by Brentwood Mobile Home Park and \$300 per hour to present this declaration explaining how the submeter credit is developed and implemented by the CPUC, and the serving public utility, SDG&E.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on May 19, 2010 at Sacramento, California.

A handwritten signature in cursive script, appearing to read "Richard J. McCann".

Richard J. McCann, Ph.D.
Senior Associate, Aspen Environmental Group
Sacramento, California



DR. RICHARD MCCANN

Senior Associate, Energy, Water & Natural Resource Economics

ACADEMIC BACKGROUND

B.S., Political Economy of Natural Resources, University of California, Berkeley, 1981

M.P.P., Institute of Public Policy Studies, University of Michigan, 1986

M.S., Agricultural and Resource Economics, University of California, Berkeley, 1990

Ph.D., Agricultural and Resource Economics, University of California, Berkeley, 1998

Dissertation: "California's Evolving Water Management Institutions: Markets and Agricultural Water Districts"

SELECTED PROFESSIONAL EXPERIENCE

Dr. McCann specializes in environmental and energy resource economics and policy. He has testified before and prepared reports on behalf of numerous federal, state and local regulatory agencies on energy, air quality, and water supply and quality issues. He has analyzed many different aspects of energy utility operations and restructuring in California, including the environmental impacts of proposed fossil-fueled, geothermal, and hydropower generation plant divestitures for the California Public Utilities Commission, and industry restructuring issues for the California Energy Commission, petroleum companies and agricultural energy users. He is working with the CEC to estimate the costs for new alternative generating technologies, and methods of implementing new modeling techniques. He testified before the CPUC on impacts of electricity rates on agricultural groundwater pumping patterns, appropriate reimbursement to master-metered manufactured housing community customers for utility services, competitive fuel choices, and proposed drought-mitigation policies. He also testified before the Federal Energy Regulatory Commission in the California energy crisis Refund Proceeding.

Aspen Environmental Group

2008 to present

- **Master-Meter Rate Setting Testimony, Western Manufactured Housing Communities Association (1998-present).** Examined issues associated with the structure of and cost associated with providing electric service to mobile home parks. Testified in Pacific Gas and Electric Co., Southern California Gas Co. and San Diego Gas and Electric Co. rate proceedings on establishing "master-meter/submeter credits" provided to private mobile home park utility systems. Testified before the State Legislature on proposed legislation.
- **Agricultural Rate Setting Testimony, Agricultural Energy Consumers Association (1992-present).** Testified about agricultural economic issues related to energy use, linkage to California water management policy, and utility rates in numerous proceedings at the California Public Utilities Commission, California Energy Commission, and California State Legislature. Analyzed various aspects of electric industry restructuring; proposed innovative pricing options; examined marginal cost principles and applications, and testified in a large number of energy related hearings. Developed innovative rate allocation methodology that incorporated regional marginal costs and value of service planning based on the Pacific Gas and Electric Co. Area Cost Study. Agricultural rates increases as a result were held to less than half of the initial rate request. Presented testimony in

Southern California Edison electric rate hearings on agricultural rates, with an emphasis on the ability of agricultural customers to bypass electricity for pumping needs. SCE responded with a bypass rate alternative for agriculture. Presented testimony in Southern California Gas Company rate proceedings on design of agricultural rates and calculation of gas storage costs.

- **Solar Power Plant Fiscal Impacts, San Benito County Planning Department (2010).** Assessing reasonably expected to occur fiscal impacts from constructing and operating the Panoche Valley Solar Farm solar photovoltaic utility-scale power projects.
- **Solar Power Plant Fiscal Impacts, San Luis Obispo County Planning Department (2010).** Assessing reasonably expected to occur fiscal impacts from constructing and operating the California Valley Solar Ranch and Topaz Solar Farm solar photovoltaic utility-scale power projects.
- **Calculated Waxman-Markey Energy-Intensive Trade-Exposed Industry Measure, Western States Petroleum Association (2010).** Calculate the EITEI measure for California's petroleum production and refining sectors using federal and state data sources that could be updated by the Air Resources Board staff.
- **Portfolio Analysis Tool, California Energy Commission (2009-2010).** Developed spreadsheet-based analytic tool to compile load and generation data from a staffed-maintained Access database and estimate the remaining net-short generation after loading baseload conventional, must-run renewable, and hydropower resources. The tool will be used to estimate to what extent renewable imports may force curtailments or other system-wide operational changes over the forecast period.
- **Electricity System Simulation Modeling Methodology Evaluation, California Energy Commission (2009-2010).** Constructed and applied an evaluation structure equivalent to the California's software purchasing Feasibility Study Report for assessing acquisition of a new production cost simulation model. The evaluation includes a set of comparative runs among candidate models using the CAISO 33% RPS Renewables Integration study data set.
- **Evaluation of Greenhouse Gas Impacts from Proposed Hydropower Project Regulation, State Water Resources Control Board (2009-2010).** Estimated the change in statewide GHG emissions from each of six proposed regulatory alternatives from the State Water Resources Control Board for Pacific Gas and Electric Company's Upper North Fork Feather River (UNFFR) project (FERC No. 2105). The analysis required simulating the UNFFR powerhouses on a hourly basis from daily flow data, estimating changes in operations and measuring the resulting change in incremental hourly GHG emissions for 2020 from California Energy Commission electricity system simulations.
- **Exploratory Modeling Methodology Project, California Energy Commission, (2008-2010).** Develop a pilot modeling exercise in cooperation with the CEC Staff and the Rand Corporation to demonstrate the usefulness of exploratory modeling techniques and their use in robust decision making. The exercise is modifying the CPUC's GHG Calculator to run in Rand's CARS program so as to incorporate elements of uncertainty and economic behavior.
- **Alternative Generation Technology Assessment, California Energy Commission (2001-2009).** Developed and maintained the Cost of Generation Model, spreadsheet-based tool used by the CEC to produce generation cost estimates for the Integrated Energy Policy Report (IEPR). The model uses capital, financing, and operational data to calculate levelized costs of generation for over twenty alternative generating technologies plus conventional gas-fired plants. The analysis included collecting data from technology experts, CEC energy data filings, and a comprehensive survey of new generation facilities. Updated the cost models to conform with the CPUC Market Price Referents methodology.

- **Reliability and Environmental Regulatory Tradeoffs in the LA Basin, California Energy Commission (2009).** Developed analytic tool to assess local capacity requirements (LCR) in the CAISO and LADWP control areas for the 2009-2015 period, and how air and water quality regulations impact the ability to meet the LCR. The analysis was used to evaluate policy options for addressing new regulations on once-through-cooling at aging power plants and restriction on new air permits from the South Coast Air Quality Management District.
- **Nevada Collaborative Group Renewables and Transmission Policy, Energy Foundation (2008).** Develop policy alternatives for creating incentives to finance new renewable resources and transmission access in Nevada.

M.Cubed

1993 to 2008

Energy and Utilities

- **Generation Facility Uncertainties and the Need for a Flexible Infrastructure for Nevada, Energy Foundation (2007-2008).** Assessed potential availability and costs for alternative resources to defer or replace proposed coal plants in Nevada and to better use a proposed transmission link. Co-authored *Laying a Foundation for Nevada's Electricity Future*. A number of different generation cost studies were reviewed and presented to show why and how cost estimates vary between different regulatory, planning and utility entities in the West.
- **Analytic Support for Klamath Project FERC Relicensing Case, California Energy Commission (2005-present).** Prepared economic analysis comparing potential costs and benefits of proposed relicensing conditions and decommissioning scenarios for a consortium of government agencies. This analysis presented scenarios that bounded ranges of potential mitigation and decommissioning costs and reflected various power price forecasts from government agencies and utilities. The results were presented to show the likely outcomes of choosing to relicense or decommission.
- **Western Interconnect Assessment Methodology Project, California Energy Commission, (2005-2007).** Explore methodologies available to implement an integrated energy assessment methodology and framework for assessing resource adequacy and other resource management issues in the Western Interconnect electricity transmission network. Included an extensive review of literature on decision-making under uncertainty and exploratory modeling methodologies. Also reviewed the NWPPC's OLIVIA portfolio analysis model and advised Commission Staff on how best to present the results from the Integrated Energy Policy Report's Scenario Analysis.
- **U.S. v. Reliant Resources CR04-125, U.S. Attorney, (2005-2007).** Testified in a wire fraud case as to the air quality regulatory constraints that Reliant may have faced when scheduling and operating its power generation facilities June 20 to June 23, 2000. That testimony addressed whether Reliant traders improperly used environmental regulations as a cover for illegal market manipulation behavior.
- **Agricultural Engine Conversion Program, Agricultural Energy Consumers Association (2005).** Testified before the CPUC on program to convert agricultural diesel engines to electricity. The analysis identified the rate reduction needed to induce such conversions while still covering the utilities' (PG&E and SCE) incremental costs. The amount and benefits of emission reductions were identified. A spreadsheet model was developed for each utility that could quickly assess different assumptions about the population and characteristics of existing pumping engines and about the expected costs of installing line extensions. The results from the scenarios were used to set bounds and targets for the program.
- **Statewide Pricing Pilot, Track B Analysis, California Public Utilities Commission (2003-2005).** Developed experimental program to examine whether providing educational "treatments" communi-

cated through a community-based organization in an environmentally-impacted neighborhood enhanced responses to critical peak pricing among residential energy users. The project included survey and econometric research.

- **California Electricity Anti-trust Actions, California Office of the Attorney General (2002-2004).** Consulted on developing anti-trust cases and actions against merchant power generators as a result of the California 2000-2001 energy crisis.
- **FERC California Refund Case Testimony, California Electricity Oversight Board (2001-2003).** Prepare background papers on issues affecting California's electricity prices. Prepare and present testimony to the Federal Energy Regulatory Commission on electricity price refund issues related to air emission and environmental permit costs. Included analysis of the RECLAIM market performance during the crisis. EL-00-95 et al.
- **Agricultural Electricity Rates Report, California Energy Commission (2001).** Studied how electricity rates in California impact agricultural energy costs given restructuring. This included a comparison with rates in neighboring states. Developed a broad range of policy proposals to improve agricultural energy management and to lower energy costs.
- **California Energy Crisis Assessment, National Rural Electric Cooperative Association (2001).** Prepared assessment of California's energy situation for summer of 2001.
- **Energy Crisis Solutions, California Energy Commission (2001).** Developed policy proposals to address coming energy crisis in the summer of 2001 for the draft executive summary of the CEC's AB970 Report. Estimated stranded cost recovery by PG&E and SCE.
- **PG&E Hydro Divestiture EIR, California Public Utilities Commission (2000).** Evaluated the environmental impacts from divesting hydropower facilities and related lands by Pacific Gas and Electric Company. In particular, analyzed how divestiture may affect the path of California's electricity industry with restructuring. The analysis focused on creating different scenarios that reflected alternative ownership incentives for different entities such as merchant generators or public water utilities.
- **Thermal Power Plant Divestitures Environmental Assessments, California Public Utilities Commission (1997-1998).** Evaluated the environmental impacts of the generating plant divestiture by Pacific Gas and Electric, Southern California Edison, and San Diego Gas and Electric Companies. In particular, analyzed how divestiture may affect the path of California's electricity industry with restructuring. Analyzed interaction of power system operations and economics with environmental permitting issues.
- **Municipalization Feasibility Study, CCSF Hetch Hetchy Water and Power (1996).** Evaluated the bulk power options and costs of other services in the restructured California electricity market in assessing the attractiveness of municipalizing the PG&E system within the City and County of San Francisco. The analysis included different scenarios on bulk power costs, system valuation outcomes and operational costs.
- **Restructuring Proposals Evaluation, Western States Petroleum Association and Shell Oil Co. (1995).** Advised clients on the implications of the proposed methods to restructure California's energy market to large consumers.
- **Restructuring and Renewables, California Energy Commission (1995).** Evaluated two alternatives to restructure California's electricity industry, by examining how the proposed market structures and methods of funding stranded assets would affect the development of a competitive marketplace. The analysis included an estimate of the value of the stranded assets under each proposal and preliminary forecasts of average system costs for Southern California Edison and Pacific Gas and

Electric Companies. Testified for the CEC Research and Development Office, in the 1994 Electricity Report Proceedings.

- **Barriers to Biomass Energy, California Energy Commission (1994).** Assessed the institutional barriers that threaten the survival of existing biomass generating plants and limit their further development in California. The barriers identified and analyzed included California Public Utilities Commission policies, financial institutions' attitudes, waste material markets conditions, air and water quality regulations, and state and county solid waste management policies.
- **Transformer Contamination Damages, General Electric Co. (1994).** Evaluated the damages attributable to the management of PCB-contaminated transformers in the Nevada Power Co. service area, including costs of replacement or retrofilling. The analysis included an assessment of cost-effective management strategies given overall system planning goals.

Foster Associates/Spectrum Economics/QED Research

1986 to 1992

Dames & Moore

1985 to 1986

PROFESSIONAL AFFILIATIONS

- American Agricultural Economics Association
- Association of Environmental and Resource Economists
- American Economics Association
- Western Economics Association International.

Testimony

- McCann, Richard J. "Prepared Direct Testimony of Richard J. McCann, Ph.D. On Behalf of the Western Manufactured Housing Communities Association (WMA)." In *Pacific Gas and Electric Company's 2010 Biennial Cost Adjustment Proceeding A. 09-05-026*: California Public Utilities Commission. San Francisco, California. November 4, 2009.
- . "Prepared Direct Testimony of Richard J. McCann, Ph.D. On Behalf of the Western Manufactured Housing Communities Association (WMA)." In *Southern California Edison Company's 2009 General Rate Case Phase I. A. 07-11-007*: California Public Utilities Commission. San Francisco, California. April 4, 2009.
- . "Prepared Direct Testimony of Richard J. McCann, Ph.D. On Behalf of the Western Manufactured Housing Communities Association (WMA)." In *Southern California Edison Company's 2009 General Rate Case Phase II. A. 08-03-002*: California Public Utilities Commission. San Francisco, California. October 31, 2008.
- . "Prepared Direct Testimony of Richard J. McCann, Ph.D. On Marginal Costs, Revenue Allocation, and Rate Design Issues on Behalf of Agricultural Energy Consumers Association." In *Southern California Edison Company's 2009 General Rate Case Phase II A.08-03-002*: California Public Utilities Commission. San Francisco, California. October 31, 2008.
- M.Cubed. "Estimating the Construction Industry Compliance Costs for CARB's Off-Road Diesel Vehicle Rule." Davis, California: On behalf of the Construction Industry Air Quality Coalition, 2007.
- . "Estimating the Construction Industry Compliance Costs for CARB's Off-Road Diesel Vehicle Rule: Technical Supplement." Davis, California: On behalf of the Construction Industry Air Quality Coalition, 2008.
- McCann, Richard J. "Review of the Health Benefit Estimates from Emission Reductions in the Construction Fleet." Davis, California: Prepared by M.Cubed on behalf of the Construction Industry Air Quality Coalition, 2007.
- McCann, Richard J. 2006. Prepared Rebuttal Testimony of Richard J. McCann, Ph.D. On Behalf Of The Western Manufactured Housing Communities Association (WMA), California Public Utilities Commission, Southern California Edison Company's 2006 General Rate Case Phase II Proceeding, A.05-05-023, January 20.
- . 2006. *Prepared Direct Testimony Of Richard J. McCann, Ph.D. on Marginal Costs, Revenue Allocation, and Rate Design Issues on Behalf of Agricultural Energy Consumers Association*, California Public Utilities Commission, Pacific Gas and Electric Company's 2007 General Rate Case Phase II, A.06-03-005, October 27.
- . 2006. *Prepared Direct Testimony Of Richard J. McCann, Ph.D. On Behalf Of The Western Manufactured Housing Communities Association (WMA)*, California Public Utilities Commission, Pacific Gas and Electric Company's 2007 General Rate Case Phase II, A.06-03-005, October 27.
- . 2006. *Appropriate Treatment of "PX Credits" For New West Energy-Oakley Inc. Direct Access Bills*, On behalf of Oakley, Inc., March 27.
- . 2006. *Appropriate Pricing for New West Energy-Oakley Inc. Direct Access Bills: Supplemental Expert's Report*, On behalf of Oakley, Inc., August 21.
- . 2005. *Prepared Direct Testimony of Richard J. McCann, Ph.D. On Behalf Of The Western Manufactured Housing Communities Association (WMA)*, California Public Utilities Commission, Sierra Pacific Power Company's 2007 General Rate Case Phase II, A.05-06-018, December 7.
- . 2005. Richard J. McCann, *Prepared Supplemental Testimony of Richard J. McCann, Ph.D. On Behalf Of The Western Manufactured Housing Communities Association (WMA)*, California Public Utilities Commission, Sierra Pacific Power Company's 2007 General Rate Case Phase II, A.05-06-018, December 14.
- . 2005. Richard J. McCann, *Prepared Rebuttal Testimony of Richard J. McCann, Ph.D. On Behalf Of The Western Manufactured Housing Communities Association (WMA)*, California Public Utilities Commission, Sierra Pacific Power Company's 2007 General Rate Case Phase II, A.05-06-018, December 23.

- . 2005. *Impact of Air Quality Regulatory Requirements on Reliant Energy Generation Resources During June 19-23, 2000*. U.S. v. Reliant Resources. 5W-USA11-0216, U.S. District Court, San Francisco, California, September 9.
- . 2005. *Prepared Rebuttal Testimony of Richard J. McCann, Ph.D. On Behalf Of The Western Manufactured Housing Communities Association (WMA)*, California Public Utilities Commission, Southern California Edison Company's 2006 General Rate Case Phase I Proceeding, A. 04-12-014, August 29.
- . 2005. *Prepared Rebuttal Testimony Of Richard J. McCann, Ph.D. On Behalf Of The Western Manufactured Housing Communities Association (WMA)* Before the California Public Utilities Commission, in Application of Pacific Gas and Electric Company To Revise Its Electric Marginal Costs, Revenue Allocation, and Rate Design A.04-06-024. San Francisco, California: April 26.
- . 2005. *Prepared Rebuttal Testimony of Richard McCann, Ph.D. on Marginal Costs, Revenue Allocation, and Rate Design Issues on Behalf of Agricultural Energy Consumers Association*. Agricultural Energy Consumers Association Before the California Public Utilities Commission, in Application of Pacific Gas and Electric Company To Revise Its Electric Marginal Costs, Revenue Allocation, and Rate Design A.04-06-024. San Francisco, California: April 26.
- . 2005. *Prepared Direct Testimony Of Richard J. McCann, Ph.D. On Behalf Of The Western Manufactured Housing Communities Association (WMA)* Before the California Public Utilities Commission, in Application of Pacific Gas and Electric Company To Revise Its Electric Marginal Costs, Revenue Allocation, and Rate Design A.04-06-024. San Francisco, California: March 8.
- . 2005. *Prepared Direct Testimony Of Richard McCann, Ph.D. on Marginal Costs, Revenue Allocation, and Rate Design Issues on Behalf of Agricultural Energy Consumers Association*. Agricultural Energy Consumers Association Before the California Public Utilities Commission, in Application of Pacific Gas and Electric Company To Revise Its Electric Marginal Costs, Revenue Allocation, and Rate Design A.04-06-024. San Francisco, California: March 8.
- . 2005. *Prepared Direct Testimony Of Richard McCann, Ph.D. on Behalf of Agricultural Energy Consumers Association*. Agricultural Energy Consumers Association Before the California Public Utilities Commission, in Application of Pacific Gas and Electric Company for Rate and Line Extension Incentives for Conversion of Stationary Agricultural Internal Combustion Equipment to Electric Service; Application of Southern California Edison Company (U338-E) for Rate and Line Extension Incentives for Conversion of Stationary Agricultural Internal Combustion Equipment to Electric Service. A.04-11-007/A.04-11-008. San Francisco, California: February 23.
- . 2005. *Prepared Initial Direct Testimony Of Richard J. McCann, Ph.D. On Behalf Of The Western Manufactured Housing Communities Association (WMA)* Before the California Public Utilities Commission, in Pacific Gas and Electric Company's 2004 Biennial Cost Allocation Proceeding A.04-07-044. San Francisco, California: January 11.
- . 2005. *Prepared Initial Rebuttal Testimony Of Richard J. McCann, Ph.D. On Behalf Of The Western Manufactured Housing Communities Association (WMA)* Before the California Public Utilities Commission, in Pacific Gas and Electric Company's 2004 Biennial Cost Allocation Proceeding A.04-07-044. San Francisco, California: January 28.
- . 2005. *Prepared Supplemental Direct Testimony Of Richard J. McCann, Ph.D. On Behalf Of The Western Manufactured Housing Communities Association (WMA)* Before the California Public Utilities Commission, in Pacific Gas and Electric Company's 2004 Biennial Cost Allocation Proceeding A.04-07-044. San Francisco, California: February 15.
- . 2005. *Prepared Supplemental Rebuttal Testimony Of Richard J. McCann, Ph.D. On Behalf Of The Western Manufactured Housing Communities Association (WMA)* Before the California Public Utilities Commission, in Pacific Gas and Electric Company's 2004 Biennial Cost Allocation Proceeding A.04-07-044. San Francisco, California: February 24.
- . 2004. *Prepared Direct Testimony Of Richard J. McCann, Ph.D. On Behalf Of The Western Manufactured Housing Communities Association (WMA)* Before the California Public Utilities Commission, in Order Instituting Rulemaking on the Commission's Own Motion to re-examine the underlying issues involved in the submetering discount for mobile home parks and to stay D.01-08-040. R.03-03-017/I.03-03-018. San Francisco, California: April 12.
- . 2004. *Prepared Rebuttal Testimony Of Richard J. McCann, Ph.D. On Behalf Of The Western Manufactured Housing Communities Association (WMA)* Before the California Public Utilities

- Commission, in Order Instituting Rulemaking on the Commission's Own Motion to re-examine the underlying issues involved in the submetering discount for mobile home parks and to stay D.01-08-040. R.03-03-017/I.03-03-018. San Francisco, California: May 10.
- . 2003. *Prepared Testimony of Richard J. McCann, Ph.D. on Behalf of the California Parties Before the Federal Energy Regulatory Commission*, in San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Service into Markets Operated by the California Independent System Operator Corporation and the California Power Exchange EL00-95-000 et al and EL00-98-000 et al, Exhibits No. CA-11 and 12. Washington, D.C.: March 3, 2003.
- . 2002. *Rebuttal Testimony of Richard J. McCann, Ph.D. on Behalf of the California Parties Before the Federal Energy Regulatory Commission*, in San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Service into Markets Operated by the California Independent System Operator Corporation and the California Power Exchange EL00-95-045 and EL00-98-042, Exhibit No. CAL-59. San Francisco, California: July 26.
- . 2002. *Surrebuttal Testimony on Emission Issues of Richard J. McCann, Ph.D. on Behalf of the California Parties Before the Federal Energy Regulatory Commission*, in San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Service into Markets Operated by the California Independent System Operator Corporation and the California Power Exchange EL00-95-045 and EL00-98-042, Exhibit No. CAL-89. San Francisco, California: August 9.
- . 2002. *Prepared Direct Testimony of Richard J. McCann, Ph.D. on behalf of Dunex, Inc. and Knollwood Mobilehome Estates, Ltd. in Yucaipa Mobilehome Residents' Association, Complainants v. Knollwood Mobilehome Estates, Ltd. Defendant* Before the California Public Utilities Commission, in Yucaipa Mobilehome Residents' Association, Complainants v. Knollwood Mobilehome Estates, Ltd. Defendant C.01-06-008. San Francisco, California: June 17.
- . 2002. *Prepared Direct Testimony of Richard J. McCann, Ph.D. on Behalf of the Western Manufactured Housing Communities Association (WMA) in San Diego Gas and Electric Company's 2001 Rate Design Window Proceeding*. California Public Utilities Commission in Application of San Diego Gas & Electric Company for Authority to Make Various Electric Rate Design Changes, Close Certain Rates, and Revise Cost Allocation among Customer Classes Effective August 1, 2002. San Francisco, California: May 9.
- . 2002. *Prepared Direct Testimony of Richard J. McCann, Ph.D. on Behalf of the California Independent Petroleum Association* Before the California Public Utilities Commission, in Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill IX and Decision 01-09-060 R.02-01-011. San Francisco, California: June 6.
- . 2001. *Prepared Direct Testimony of Richard J. McCann, Ph.D. on Behalf of the Western Manufactured Housing Communities Association (WMA)* Before the California Public Utilities Commission, in In the Matter of the Application of Southern California Water Company (U 133 W) For Authority To Establish A Lifeline Rate For Residential Domestic Water Service In Region III A.00-09-048, Exhibit 100. San Francisco, California: May 21.
- . 2001. *Direct Prepared Testimony of Richard McCann, Ph.D. on Behalf of the California Independent Petroleum Association on Proposed Revenue Allocation and Rate Design* Before the California Public Utilities Commission, in Application of Southern California Edison Company For Authority to Institute a Rate Stabilization Plan With a Rate Increase and End of Rate Freeze Tariffs; Emergency Application of Pacific Gas and Electric Company to Adopt a Rate Stabilization Plan; Petition of The Utility Reform Network for Modification of Resolution E-3527 A.00-11-038, A.00-11-056, A.00-11-028, Exhibit 86. San Francisco, California: April 13.
- . 2001. *Prepared Direct Testimony of Richard J. McCann, Ph.D. on Behalf of the Western Manufactured Housing Communities Association (WMA)* Before the California Public Utilities Commission, in Application of Southern California Edison Company For Authority to Institute a Rate Stabilization Plan With a Rate Increase and End of Rate Freeze Tariffs; Emergency Application of Pacific Gas and Electric Company to Adopt a Rate Stabilization Plan; Petition of The Utility Reform Network for Modification of Resolution E-3527 A. 00-11-038, A. 00-11-056 and A. 00-11-028, Exhibit 87. San Francisco, California: April 13.
- . 2000. *Rebuttal Testimony of Richard J. McCann, Ph.D. on Behalf of the Golden State Power Cooperative* Before the California Public Utilities Commission, in Direct Access Service Fees and Revenue Cycle Services A. 99-03-013, et al. Davis, California: May.

- . 2000. *Prepared Direct Testimony of Richard J. McCann, Ph.D. on Behalf of the Western Manufactured Housing Communities Association (WMA)*. Western Manufactured Housing Communities Association Before the California Public Utilities Commission, in In the Matter of the Application of San Diego Gas & Electric Company for Authority to Increase its Rates and Charges for Electric Service, Effective January 1, 1993 (1999 Rate Design Window) A.91-11-024. Davis, California: March 1.
- . 1999. *Prepared Direct Testimony of Richard J. McCann, Ph.D. on Behalf of the Western Mobilehome Parkowners Association in the SDG&E BCAP*. Western Mobilehome Parkowners Association (WMA) Before the California Public Utilities Commission, in In the Matter of the Application of San Diego Gas & Electric Company for Authority to Revise its Gas Rates Effective August 1, 1999, in its Biennial Cost Allocation Proceeding A.98-10-031. Davis, California: March 15.
- . 1999. *Prepared Direct Testimony of Richard J. McCann, Ph.D. on Behalf of the Western Mobilehome Parkowners Association in the SoCalGas BCAP*. Western Mobilehome Parkowners Association (WMA) Before the California Public Utilities Commission, in Southern California Gas Company's 1999 Biennial Cost Allocation Proceeding A.98-10-012. Davis, California: March 4.
- . 1999. *Direct Testimony of Richard J. McCann, Ph.D., Partner, M.Cubed*. Agricultural Energy Consumers Association (AECA) Before the California Public Utilities Commission, in Southern California Edison Company's Report on the Valuation Process for Certain Generation-Related Assets Pursuant to D.97-11-074; Pacific Gas and Electric Company's Report on Assessment of Inventory Balances and to Address Appraisal of Retained Generation Assets A.98-05-014, A.98-05-022. Davis, California: March 2.
- . 1999. *Capital Improvement Rent Increase Application Presented by Knollwood Mobilehome Estates, Ltd.: Declaration of Richard J. McCann, Ph.D.* Before the City of Yucaipa, in Capital Improvement Rent Increase Application Presented by Knollwood Mobilehome Estates, Ltd. Davis, California: June 16.
- . 1999. *Prepared Rebuttal Testimony of Richard J. McCann, Ph.D. on Behalf of the Western Mobilehome Parkowners Association (WMA)*. Western Mobilehome Parkowners Association (WMA) Before the California Public Utilities Commission, in In the Matter of the Application of San Diego Gas & Electric Company for Authority to Revise its Gas Rates Effective August 1, 1999, in its Biennial Cost Allocation Proceeding A.98-10-031. Davis, California: April 9.
- McCann, Richard J., and Steven J. Moss. 1998. *Analysis of Potential Economic Impacts from Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant*. California Trucking Association Before the California Air Resources Board, in Public Hearing to Consider the Adoption of a Regulatory Amendment Identifying Diesel Exhaust as a Toxic Air Contaminant. Sacramento, California: July 30.
- Moss, Steven J., and Richard J. McCann. 1998. *Testimony of Steven J. Moss, M.P.P. and Richard J. McCann, Ph.D.* Agricultural Energy Consumers Association Before the California Public Utilities Commission, in Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 1999 A.97-12-020. Davis, California: July.
- McCann, Richard J. 1998. *Economic Valuation of the Damages from the City of Thousand Oaks Sewage Spill*. City of Thousand Oaks Before the Los Angeles Regional Water Quality Control Board, in City of Thousand Oaks Wastewater Treatment Plant Spill Administrative Civil Liability Complaint No. 98-024, NPDES No. CA0056294, CI No. 4917. Davis, California.
- McCann, Richard, and Steve Moss. 1997. *The Direct and Regional Economic Benefits to Riverside County of Expanding the El Sobrante Landfill and Constructing the Eagle Mountain Landfill and Recycling Project*. USA Waste, Inc. Before the Riverside County Planning Commission, in Siting and Expansion of the El Sobrante Regional Landfill. Davis, California: June.
- McCann, Richard. 1995. *Agricultural Energy Consumers Association's Testimony in Phase Two of Southern California Edison Company's General Rate Case Proceeding*. Agricultural Energy Consumers Association Before the California Public Utilities Commission, in Application of Southern California Edison Company (U 338-E) for Authority to Increase Its Authorized Level of Base Rate Revenue Under the Electric Revenue Adjustment Mechanism for Service Rendered Beginning January 1, 1992 and to Reflect This Increase in Rates; Order Instituting Investigation into the Rates, Charges, and Practices of Southern California Edison Company, Establishment of the Utility's Revenue Requirements, and Attrition Request A.93-12-025, I.94-02-002. San Francisco, California: June 21.

- McCann, Richard J. 1994. *Testimony of Richard McCann on Behalf of Agricultural Energy Consumers Association* Before the California Public Utilities Commission, in Application of Southern California Edison Company (U 338-E) for Authority to Increase Its Authorized Level of Base Rate Revenue Under the Electric Revenue Adjustment Mechanism for Service Rendered Beginning January 1, 1992 and to Reflect This Increase in Rates: Southern California Edison Company's 1994 Rate Design Window Filing A. 90-12-018. San Francisco, California: September 16.
- McCann, Richard, David Mitchell, and Lon House. 1994. *Impact of Bay-Delta Water Quality Standards on California's Electric Utility Costs*. Association of California Water Agencies Before the State Water Resources Control Board, in Review of Standards for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. Sacramento, California: October 7.
- Moss, Steven J., Richard J. McCann, Carl Moyer, Charlotte Pera, Doug Lowell, William Oliver, Howard Ballentine, David Mitchell, Robert Mott, Marvin Feldman, Leslie Baroody, and James Fine. 1994. *Economic Analysis of the Proposed State Implementation Plan (SIP)—Conducted Prior to its Consideration by the California Air Resources Board (CARB)*. California Air Resources Board, Research Division Before the California Air Resources Board, in Consideration to Adopt the 1994 State Implementation Plan Final Draft. San Francisco, California: November 10.
- Hall, Steve, Lon House, Richard J. McCann, and David L. Mitchell. 1994. *Comments of the Association of California Water Agencies on Water Quality Standards for the Bay-Delta* Before the State Water Resources Control Board, in Review of Standards for the San Francisco/Sacramento-San Joaquin Delta Estuary Fourth Workshop. Sacramento, California: July 13.
- M. Cubed. 1994. *Comments on the Environmental Protection Agency's Draft Regulatory Impact Assessment of Proposed Water Quality Standards for the Bay-Delta*. Prepared at the Request of The Association of California Water Agencies - Appendix Before the U.S. Environmental Protection Agency, in Water Quality Standards for the San Francisco Bay/Sacramento-San Joaquin Delta Regulatory Impact Assessment. Oakland, California: March 11.
- McCann, Richard J. 1994. *Testimony Richard McCann, M. Cubed Regarding the Southern California Gas Company's Biennial Cost Allocation Proceeding on Behalf of the Agricultural Energy Consumers Association*. Agricultural Energy Consumers Association Before the California Public Utilities Commission, in Southern California Gas Company's Biennial Cost Allocation Proceeding A.93-09-006. San Francisco, California: June 15.
- Moss, Steven J., and Richard J. McCann. 1993. *Testimony on Revenue Allocation Issues for Southern California Edison Company Energy Cost Adjustment Clause Proceeding*. Agricultural Energy Consumers Association Before the California Public Utilities Commission, in Application of Southern California Edison Company (U 338-E) in Regard to Its Energy Cost Adjustment Clause A.93-05-044. San Francisco, California: August 26.
- Knecht, Ronald L., Richard J. McCann, George M. McCollister, and Thomas C. Thomas. 1989. *Analysis of Issues Raised in OCC Order No. 339063*. Oklahoma Corporation Commission Staff Before the Oklahoma Corporation Commission, in In Determination of Avoided Costs for Oklahoma Gas and Electric Co. Cause No. PUD 000345. Palo Alto, California: June 29.
- Wade, William W., George McCollister, and Richard J. McCann. 1989. *Appendix A: Prepared Testimony of Spectrum Economics for South Coast Air Quality Management District* Before the California Public Utilities Commission, in Order Instituting Investigation on the Commission's Own Motion into the Interstate Natural Gas Pipeline Supply and Capacity Available to California I.88-12-027. San Francisco, California: August 7.
- Knecht, Ronald L., Richard J. McCann, George M. McCollister, Thomas C. Thomas, and William W. Wade. 1988. *Resource Needs and Avoided Costs of Oklahoma Gas and Electric Company*. Oklahoma Corporation Commission Staff Before the Oklahoma Corporation Commission, in Determination of Avoided Costs for Oklahoma Gas and Electric Co. Cause No. PUD 000600. Palo Alto, California: October 10.
- Pflaum, Christopher C., and Richard J. McCann. 1988. *Testimony of QED Research Inc. on Behalf of Cook County State's Attorney*. Cook County State's Attorney Before the Illinois Commerce Commission, in Commonwealth Edison Company Rate Case Docket No. 87-0427. Overland Park, Kansas: February 16.

- Knecht, Ron, and Richard McCann. 1987. *Initial Assessment: Need Assessment for the Luz SEGS Projects*. Luz Engineering Corporation Before the California Energy Commission, in Siting of the Luz SEGS Solar Thermal Projects I-VIII 87-AFC-1. Palo Alto, California: September 9.
- Wade, William W., George M. McCollister, Richard J. McCann, and Grace M. Johns. 1987. *Economic Evaluation of the Freshwater Recreation Uses of the Sacramento-San Joaquin Delta*. State Water Contractors and Metropolitan Water District of Southern California Before the State Water Resources Control Board, in Establishing Water Quality Standards for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. Palo Alto, California: October.
- . 1987. *Economic Evaluation of the Recreation Resources of the State Water Project*. State Water Contractors and Metropolitan Water District of Southern California Before the State Water Resources Control Board, in Establishing Water Quality Standards for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary SWC Exhibit 65. Palo Alto, California: June.

EXHIBIT 1C



San Diego Gas & Electric Company
San Diego, California

Revised Cal. P.U.C. Sheet No. 19382-E
Canceling Revised Cal. P.U.C. Sheet No. 19263-E

SCHEDULE DT

Sheet 5

SUBMETERED MULTI-FAMILY SERVICE - MOBILEHOME PARK

SPECIAL CONDITIONS (Continued)

9. Condition for Receiving Submeter Rate Discount.

a.

The master-meter/submeter rate discount provided herein prohibits further recovery by mobile home park owners for the costs of owning, operating, and maintaining their gas/electric submetered system. This prohibition also includes the cost of the replacement of the submetered gas/electric system. The costs recovered by the mobile home park owner through the submetering discount must be consistent with those costs that the utility incurs when providing new or replacement service under the utility's line extension Rule 15 and service extension Rule 16.

b.

This language was authorized by Ordering Paragraph 4 of Decision 95-02-090, dated February 22, 1995, and Ordering Paragraph 1 of Decision 02-09-034, dated September 19, 2002. The master-meter/submeter rate discount provided herein requires that master-meter customers who receive any rebate to distribute to, or credit to the account of each current sub-metered customer served by the master-meter customer that portion of the rebate that the amount of gas or electricity, or both, consumed by the sub-metered customer bears to the total amount of the rebate. See Public Utilities Code Section 739.5(b).

In the event a sub-meter customer (park resident) believes that a master-meter customer (park owner) has not distributed the rebate to no less than two park residents in accordance with the Public Utilities Section Code 739.5(b), the sub-metered customer may notify the master-meter customer in writing. If the master-meter customer has not corrected the problem within 30 days of receipt of the notification, the sub-metered customer may file an expedited complaint pursuant to Rule 13.2. All complaints filed under Rule 13.2 requesting the rebate shall be consolidated for purposes of the Commission's order.

If, after hearing, it is found that the master-meter customer did not distribute the rebate as required to no less than two park residents, the Commission, as part of its order, shall assess a penalty, payable to the complaining sub-metered customer(s), to be apportioned equally among the complaining sub-metered customer(s), equal to the full amount of the rebate that should have been distributed to all park residents. In addition, the master-metered customer will be ordered to tender the rebate to any other sub-metered customer that has not received payment in accordance with Public Utilities Commission Section 739.5(b).

In no event shall SDG&E be responsible to the master-meter customer or submeter customer for calculation of or return of the rebate referred to herein.

(Continued)

5C31

Advice Ltr. No. 1817-E

Decision No. _____

Issued by
Lee Schavrien
Vice President
Regulatory Affairs

Date Filed Aug 2, 2006

Effective Sep 1, 2006

Resolution No. _____

I would also like to do a comparison of Bay Scene Mobile Home Park and Brentwood Mobile Home Park, since they have similar financial circumstances.

My analogy is based on information from Dr. Baar's report titled:

Analysis of Rent Increase Petition by Bay Scene Mobile Home Park.

This information is taken from pages ii of Dr. Baar's summary report and page 36 of the general text.

Simply put: For Bay Scene, Dr. Baar's fair rate of return analysis is based on Several factors which you can see from his documents. However, for the sake of simplicity, I think I can make two simple yet pertinent comparisons. Bay Scene with a \$7,500,000 purchase price (including allowable start-up expenses) and with a gross yearly income from rents, which at the time was \$500 per month, per space (500x121x12) of \$726,000 by comparison to Brentwood with purchase price including allowable expenses of \$5,235,929 (excluding non-permissables) and gross yearly income from rents which is (\$531x258x12) \$1,643,976.

	Bay Scene	Brentwood
Purchase price	\$7,500,000	\$5,235,929

Gross yearly

Income	\$726,000	\$1,643,976
--------	-----------	-------------

Please bear in mind that the average rent in Bay Scene in 2006 was \$500

And that's after Baar's fair rate of return analysis. If you were to average

The CPI for the last 4 years, the average rent would be \$550 per month.

Also bear in mind that a large percentage of their 121 spaces are on

long term leases that have brought the average rent base into the high \$600 per month range with many of these on long term leases in the \$800 range.

As you can see, Brentwood has a greater gross income and a lower acquisition price. This being the cases, if these expenses were amortized, It would seem the Mobile Home Park Owner would be receiving a fair rate of return even without an increase.

Dr Baar's fair rate of return analysis has been accepted in many court cases, Such as Rainbow Disposal Co. v. Escondido Mobilehome Rent Review Bd.

✓ The city's appraiser concluded that market rents for the park spaces is \$500. This is the rent that incoming purchasers of mobilehomes would be willing to pay. In the case of nine of the spaces that are subject to the application the current rent is either over \$500 or within six dollars of \$500.

✓ The current (FY 2004-2005) net operating income to purchase price ratio for the park is 6.7% (\$486,131 net operating income / \$7,200,000 purchase expenses.) If the applicant's purchase price is indexed by the percentage increase in the CPI of 4.3% since the May 2004 purchase date, the investment would be \$7,509,600 and the rate of return on the indexed investment would be 6.5%.

This return is within the normal range of returns on recent investments in mobilehome parks. Furthermore, in this case, the rate of return on investment that the park owner is receiving is the outcome of a purchase price that it elected one and a half years before making the application, rather than being an impact of years of ownership under rent regulations.

✓ It is recommended that the park owner be permitted rent increases equal to the difference between the \$65.05 required to yield a fair return for the spaces with rents below market levels and the rent increases which the owner actually obtained in 2004 and 2005. This recommendation is subject to the qualification that no increase should be granted above the "market" rent level of \$500. ✓

Recommended Rent Increases Pursuant to Fair Return Standard

Space No.	Permissive Increase in 2004 (Estimated)	Rent in Sept. 2004	Increase granted in Jan. 2005 Board decision	Rent in Sept. 2005	Increase in Rent 2003-2005	Additional Increase Recommended
4	16.24	449.22	44.92	494.14	61.16	3.89
10		426.30		522.12		none
13	13.17	364.26	36.42	400.68	49.59	15.46
14	12.62	349.24	34.92	384.16	47.54	17.51
19	16.60	459.28	35.13	494.41	51.73	5.59
20		483.41		519.60		none
27	14.74	407.87	40.78	448.65	55.52	9.53
35	16.03	443.57	44.35	487.92	60.38	4.67
50	15.74	435.58	43.55	479.13	59.29	5.76
53	14.07	389.29	38.92	428.21	52.99	12.06
59		483.39		519.58		none
60	16.38	453.20	45.32	498.52	61.70	1.48
79		467.25		502.21		none
84	12.11	335.77	33.58	369.34	46.29	18.77
90	16.15	446.72		480.16	49.59	15.46
92	15.18	419.93	41.99	461.92	57.17	7.88
96		484.71		501.67		none
98		499.17		516.64		none
112	14.07	389.29	38.92	428.21	52.99	12.06
124	12.64	349.58	34.95	384.53	47.59	17.46

EXHIBIT 1D

In reviewing the \$ 531.00 avg. rent for Brentwood LLC, I realized this figure only represents 200 of 268 spaces. When calculating a Fair Rate of Return Analysis according to Industry Standards the sub-total of all rents need be considered hence the following:

Bayscene MHP
 Purchase Prices \$ 7,500,000.00
 121sp. X 500.00 X 12 =
 \$ 726,000.00

Brentwood LLC
 \$ 5,235,929.00
 200sp. X 531.00 X 12 =
 \$ 1,274,400.00

**This figure does not consider
 All rents the park is collecting*

Pg. 14 below table 6:

Using Owners figures

31 sp. X under 500.00 =	\$ 14,335.02	average of stated rents
48 sp. X 512.50 =	24,600.00	average of their lows & highs
64 sp. X 537.50 =	34,400.00	average of their lows & highs
41 sp. X 562.50 =	23,062.50	average of their lows & highs
16 sp. X 575.00 =	9,200.00	average of their lows & highs
<hr/>		
200 sp. Total	\$ 106,216.07	÷ 200 = \$ 531.08 quoted average rents

58 sp. X 669.00 = \$ 38,802.00 average of their lows & highs

\$ 106,216.07 + 38,802.00 = 145,018.07 ÷ 258 = \$ 562.09 not considered in avg.

10 sp. X 675.00 = \$ 6,750.00 (9 new (5 sold) 1 old)*was omitted from calculations

\$ 145,018.07 + 6,750.00 = 151,768.07 ÷ 268 sp. = \$ 566.30

Is the actual average rent base in Brentwood LLC

\$ 566.30 - \$ 531.08 = \$ 35.22

**** In essence Owners have a \$ 35.22 higher average than has been quoted.**

FYI rents collected by Brentwood LLC total:

\$ 145,018.07 X 12 months = \$ 1,740,216.84 X 3 yrs. = \$ 5,220,650.52 (This does not include the 9 new and 1 old space, even though 5 new have been sold.)

****Bayscene MHP received *0*.**

P.D. Vaughn, CVMHRA, President

EXHIBIT 2A

June 4, 2010

Our File Number: 38059.021/4838-1528-9350v.1

VIA FEDERAL EXPRESS AND EMAIL

Stacey S. Kurz, Senior Project Coordinator
City of Chula Vista
276 Fourth Avenue
Chula Vista, CA, 91910

Re: *Brentwood Mobilehome Park / Discretionary Rent Increase Application*

Dear Ms. Kurz:

Pursuant to your correspondence of May 27, 2010, and in response to questions from the Rent Review Commission at the hearing on May 19, 2010, the following thoughts and documents are offered and submitted.

Your correspondence of May 27, 2010 has requested information, similar to questions from the Commission, concerning the "knowledge" of the current owner of Brentwood Mobilehome Park as to potential and alleged violations under Title 25, as to citations issued by the City of Chula Vista, prior to the purchase of Brentwood Mobilehome park in April 2007. I enclose for your files, copies of documentation received by the buyer (hereinafter "Park" or "Park owner") and its representatives addressing that issue prior to that purchase transaction closing escrow.

1. Correspondence dated December 6, 2006 from Doug Leeper, Code Enforcement Manager for the City of Chula Vista to Erik Rollain. This letter, and the subsequent correspondence and information set forth below, were made in response to verbal and written Public Records Act Requests from the potential purchasers to personnel at the City of Chula Vista.
2. Cover letter with documentation from Joan T. Schmid, City of Chula Vista Planning & Building Department to Erik Rollain. The documentation includes written opinions by a hearing officer, Thomas Marshall, concerning administrative hearings held with reference to the prior owner (Loretz Trust). The opinion and documentation illustrates violation notices and ongoing discussions between the prior park owner and the City of Chula Vista dating back to July 2004.
3. Notice of Administrative Hearing Dated December 11, 2006 re Intent to Record Notice of Violation with accompanying documents including correspondence to Terri Loretz, prior owner of Brentwood Mobilehome Park.
4. Correspondence dated December 13, 2006 from Follett Investment Properties, Inc. to Doug Leeper at City of Chula Vista dated December 13, 2006. The December 13, 2006 correspondence sets forth proposals for the installation of fire hydrants and a complete upgrading of the Park's electrical system and suggested timelines to allow for such work to be completed either prior to or following close of escrow.

Stacey S. Kurz, Senior Project Coordinator
City of Chula Vista
June 4, 2010
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5. Correspondence dated January 4, 2007 from Doug Leeper, City of Chula Vista, to Erik Rollain. Said correspondence sets forth the City's desire to discuss and create a reasonable time for the potential new owner to obtain bids and complete rehabilitation of the subject mobilehome park and thus resolve the prior owner's ongoing violation notices.
6. Recorded documents from Chicago Title, received on or about February 6, 2007 setting forth various recorded notices of violation from the City of Chula Vista with reference to Brentwood Mobilehome Park and the underlying real property owner (Hall Trust), as well as the current operator (Loretz Trust) under the existing ground lease.
7. Correspondence dated February 23, 2007 from Doug Leeper, City of Chula Vista, to Erik Rollain concerning Brentwood Mobilehome Park. Said correspondence notes that the City of Chula Vista would accept the proposed timeframes as set forth in the correspondence dated December 13, 2006 and noted that notices of violations had been recorded. The correspondence also sets forth a "practical" proposal and suggestion for releasing the recordings of violations to accommodate the close of escrow with an understanding any violation notices would be rerecorded following close of escrow and again released upon completion of the anticipated repairs.
8. The buyers/borrowers' settlement statement (Exhibit 4 in application binder) setting forth the sales price and documentation concerning payments made by the buyer to purchase the Park.

The foregoing documentation submitted confirms and verifies that the subject leasehold interest was purchased by Brentwood MHP Investors, LLC for \$3,950,000.00. Additional funds equal to approximately \$1,275,000.00 were provided by the buyer at close of escrow, pursuant to the agreement reached with the City of Chula Vista to immediately fund and move forward to resolve the improvements/restorations needed at the subject mobilehome park. Those advances are reflected in the improvement advance shown of \$1,075,285.00, and the improvement advance of \$201,000.00 for fire hydrant system replacement, as reflected in Exhibit 4-1 to the rent increase application. The total costs of all of the completed projects are set forth on pages 17-18 of the exhibit binder. The actual additional cash investment made in the property, over and above the \$3,950,000.00 purchase price, is \$3,224,585.00 as set forth on pages 17-18 of the exhibit binder.

One of the issues raised by numerous residents and other participants at the hearing on May 19, 2010 was the timeframe for reimbursement of Brentwood's capital expenditures. Brentwood would again simply note and point out that the capital investment is being recouped over the entire forty (40) years of the extended leasehold. That is many, many years beyond (longer) than the actual useful life of many of the component portions of the expense. For example, the road repairs and resurfacing costs are being recovered with a forty (40) year life being imputed. In fact, of course, such road work would have a much shorter useful life.

Stacey S. Kurz, Senior Project Coordinator
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June 4, 2010
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At the risk of redundancy, it must be borne in mind that the purchase in this matter was not of fee interest in property. Rather, the buyer of Brentwood Mobilehome Park was purchasing the remaining term on an existing ground lease. At the time of purchase, there were approximately twelve (12) years remaining in that ground lease. The applicant in this matter (purchaser Brentwood MHP Investors, LLC) undertook a very real and substantial risk as to whether the ground lease would be extended. The ground lease extension payment of \$450,000.00 is a substantial component of the Park's after purchase capital expense and that one time cost is being amortized over the entire new lease term (i.e. forty (40) years). Thus, the concern of residents that the capital investment at issue in this application is being returned in a "short" period of time is simply inaccurate and unfounded. The Park owner is recovering the funds over forty (40) years!

The foregoing is also of import as to why the nine (9%) percent rate of return is deemed a very conservative rate of return. As noted by Mr. Neet, when he testified, the rate of return which would have been demanded by any normal/reasonable investor for this project, would have been in excess of thirteen (13%) percent. The California Public Utilities Commission routinely allows a rate of return between a minimum of nine percent and eleven percent for new capital expenditures by regulated utilities such as San Diego Gas and Electric, Southern California Edison, or Pacific Gas and Electric.

There was, of course, absolutely no certainty or guarantee that the Park owner would be able to negotiate and obtain an extension of the ground lease or purchase the underlying fee interest. That was a very significant investment risk. The good faith of the Park owner is reflected in the substantial capital investment in the Park after close of escrow, including the extension of the lease.

The extension of the ground lease must also be considered from the residents' vantage point. Specifically, the extension of the ground lease enables any and all present residents to more easily sell their mobilehomes. That is because a potential new resident who would need to perhaps borrow funds from a third party lender is able to demonstrate that the Park is operated pursuant to a long term ground lease. The lending environment over the past several years, as the Commission is well aware, has been extremely tight. A mobilehome park resident seeking to sell his or her home, where there is only a short time remaining on a ground lease, faces an additional "hurdle" because any potential resident is seeking to buy in a park would have difficulty finding a bona fide lender where a ground lease may come to an end. The issue for any third party lender is whether the operation of the subject mobilehome park will continue or, with the conclusion of the ground lease, the operator may seek to develop or change the use of the property to another purpose. Thus, residents are significantly benefitted by the extension of the ground lease by increasing the ability to finance the sale of a home due to the existence of the extended ground lease and the contractually binding obligation upon Brentwood to operate the mobilehome park.

While the matter is somewhat collateral, it must be borne in mind, as well, that the residents and the former owner of the mobilehome park were engaged in extensive litigation over "failure to

Stacey S. Kurz, Senior Project Coordinator
City of Chula Vista
June 4, 2010
Page 4

maintain." That litigation was eventually settled. The residents received an overall settlement of substantial dollars from the former owner and/or the former owner's insurance carriers to resolve that litigation.

The entirety of the Park owner's rent increase request is based upon recovery of actual funds that have been expended (after close of escrow) for the benefit of the Park. All of those improvements clearly and directly also benefit the residents. To the extent a resident would opine, as one or two did at the last public hearing, that a completely upgraded electrical system (from 30 amp to 100 amp) was unneeded or that the prior system should have simply been "repaired" is remarkably disingenuous. The entirety of the prior electrical system needed to be completely replaced. To replace such a system with an "identical" outdated and insufficient amperage system would have been both short sighted and inappropriate. The reality would have been "brownouts" as mobilehomes in the Park are exchanged for newer mobilehomes over time and the electricity demands for mobilehomes continue to increase.

At the hearing on May 16, 2010, a number of speakers raised the issue of where or how the City of Chula Vista had spent funds, received by virtue of fines imposed against the prior owner. While that may be a legitimate political inquiry, it has absolutely no bearing or relevance on whether the subject rent increase application is appropriate. The City's internal accountings and budgeting of how general funds are expended is an issue for mobilehome park residents and other citizens of Chula Vista to bring before the City Council. This Rent Review Commission is not the appropriate forum to assert that monies that may or may not have been received by the City from the prior owner should have been allocated for some specific public purpose (such as hearings about rent increase applications).

The purchase of the ground lease by the new Park owner, and the extensive capital investment thereafter, is precisely what a validly enacted rent control ordinance is constitutionally required to encourage and protect. The prior Park operator operated a facility that engendered a failure to maintain lawsuit and substantial interaction with the City concerning Title 25 violations. There is no dispute the funds at issue in the Park's application have been expended and that the Park has been dramatically improved. The final improvements will be finished by the end of 2010. The requested rent increase is simply a return of the new capital expense over forty (40) years, with a conservative nine percent rate of return. That is precisely the result a constitutionally applied rent control ordinance is designed to encourage. That fact is noted by staff in its report recommending that the requested rent increase be granted.

There is also no dispute but that the proposed new rent levels, even including the requested rent increase, are still below market rent for Chula Vista and surrounding area.

The crux of the opposition by residents is that the majority of the capital expense at issue should be deemed to be an operating expense or maintenance cost that could and potentially be disregarded under Section 9.50.073(A)(1)(g)(v). However, that aspect of the City's rent control ordinance cannot and should not be applied in a fashion that would be contrary to required constitutional law and in a fashion that would be contrary to providing the new owner a just and

Stacey S. Kurz, Senior Project Coordinator
City of Chula Vista
June 4, 2010
Page 5

reasonable return. The capital expense incurred by the new Park owner is not an "ongoing operating or maintenance cost" that may be deleted with reference to the Park's operation over the next forty (40) years. That approach is self-defeating and would require and necessitate an approach that would economically punish a new Park owner that has corrected and upgraded an old and functionally obsolete facility to the benefit of not only existing residents, but the City as a whole. Moreover, the ordinance addresses rent increases being denied if there are substantive Title 25 violations at the time of the rent increase application. As the staff report notes, there are NO substantive violations and the Park is in the best shape it has been in literally decades. The ordinance does NOT contemplate capital expenses being "rejected" as for a basis for a rent increase. That is doubly true when the new capital expense is made by a new owner, post close of escrow, to upgrade the Park and its infrastructure.

At the hearing on May 16, 2010, there were actually one or two residents that observed that they really did not "want" a new laundry facility. Such comments and testimony should be disregarded. The old dilapidated buildings being replaced, and the refurbishment of the clubhouse, are precisely that type of investments that park owners should be encouraged to complete. The basis of the City's rent control ordinance is to encourage proper investment rather than encourage deferred maintenance that can only lead to tenant dissatisfaction and declining property values. As staff has noted in its report, the rent increase is expected to have nominal, if any, negative impact upon the ability of existing homeowners to sell their homes. Indeed, the upgraded facilities where it is undisputed the rents are in line with other parks in and around Chula Vista will aid and assist residents seeking to sell mobilehomes now and in the future at market value.

One final observation is appropriate. At least half (1/2) of the citizens that spoke at the hearing on May 19, 2010 were residents of mobilehome parks other than Brentwood. A number of those residents observed that the Commission's decision may well impact other mobilehome parks. That observation, in concept, is absolutely true. This Commission needs to forthrightly address and encourage park owners to maintain and improve the condition and amenities in their parks. Providing reimbursement of capital expenditures, over a reasonable term, with a reasonable rate of return, sends that message. A refusal to grant the Park the requested rent increase sends the opposite message. It tells park owners to not improve their properties. It tells park owners to defer maintenance. It tells park owners to not upgrade their facilities. That is not to the benefit of the City of Chula Vista or to current or incoming residents of this City.

The applicant in this matter was aware of the City of Chula Vista's rent control ordinance. The applicant was aware of the condition of the property. The applicant purchased a very limited and short term ground lease (twelve (12) years) with an expectation and desire to (a) extend the ground lease and (b) seek reasonable reimbursement for capital expenditures made through the rent increase application process. This Commission's ethical and fiscal responsibility is to apply the City of Chula Vista's rent control ordinance in a fashion that recognizes, rather than punishes, proactive and appropriate expenditures by the Park owner. The Park owner and presumably the City, want to proceed in a fashion that would avoid litigation. As the City no doubt recalls, the last City/Park owner dispute went all the way to the California Supreme Court.



Stacey S. Kurz, Senior Project Coordinator
City of Chula Vista
June 4, 2010
Page 6

The Park owner is, of course, well aware of the ongoing recession in San Diego County and in California generally. That recognition prompted the three (3) year phase-in of the rent increase needed to recover the capital costs expended, as well as the use of a forty (40) year term for recovery of the capital expense. A normal mortgage in California and elsewhere is thirty (30) years. This application requires an additional ten (10) years before the Park owner fully recovers its new capital investment.

The quality and quantity of the improvements to the Park aid the objective and subjective benefits of living in Brentwood mobilehome Park. The application, as reflected in the staff report, is one of merit and should be granted, in full, as requested.

Sincerely yours,
HART, KING & COLDREN

C. William Dahlin
CWD/sm
Enclosures

cc: Brentwood Investors, LLC



PLANNING & BUILDING DEPARTMENT

December 6, 2006

Erik Rollain
Follett Investment Properties
11211 Gold Country Blvd
Suite 100
Gold River CA 95670

RE: Brentwood Mobile Home Park
1100 Industrial Blvd.
Chula Vista, CA

Mr. Rollain,

This letter is to document our recent phone conversation in which you indicated an interest in purchasing the referenced property. As you are aware the City has an ongoing administrative action pending against the park and is actively seeking compliance by means of an Administrative Hearing Order, Full Cost Recovery and Civil Penalties. As of this writing the property is not in compliance and fines are increasing every day. Due to the lack of compliance on the part of the business owner the City is moving forward with enforcement action and has scheduled a follow up Administrative Hearing in an attempt to motivate compliance, recover costs incurred by the City and assess Civil Penalties. The hearing is scheduled for December 21, 2006 here at City Hall. A copy of the Notice of Hearing will be sent under separate cover.

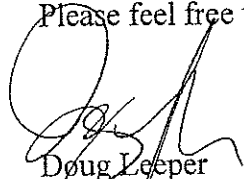
As part of your due diligence you have filed a public records request which is currently being processed. The information you receive from this request should provide a more detailed picture of the conditions in violation at the property. Please note that any purchase of the property and/or business would be subject to ALL previous and current Administrative Hearing Orders, Notices of Violation, Full Cost Recovery and Civil Penalties assessed.

At this time fines and penalties continue to accrue until the property is brought into compliance with the Administrative Order and Chula Vista Municipal Code. In the absence of compliance at the close of escrow the City would be willing to discuss a compliance agreement that would allow a new owner reasonable time to obtain bids and permits, commence and complete all required work. In order for the City to enter into such an agreement we would require that you submit a detailed construction/compliance

plan that would cover the replacement of the park's electrical system AND the installation of a fire protective system (fire hydrants) throughout the park as soon as possible prior to the close of escrow. It is understood that you anticipate escrow to close no later than January 31, 2007.

As to your inquiry regarding the required amperage at each of the existing mobile home spaces the Building Official has determined that we will accept a design as submitted by your engineer in compliance with State codes.

Please feel free to contact me should you have any questions,



Doug Leeper
Code Enforcement Manager
City of Chula Vista
(619) 585-5622



**PLANNING AND BUILDING DEPARTMENT
CODE ENFORCEMENT
FAX COVER SHEET**

FAX # (619) 585-5681

TO:

NAME: Erik Rollain

COMPANY: Re: Brentwood Mobile Home Park

FROM: Joan T. Schmid
(619) 407-3551

DATE: December 7, 2006

PAGES: 30

FAX#: (916) 852 -0115
Phone # (916) 852-0112

MESSAGE:

Two Notices of Violation and Hearing Examiner's findings

If all pages are not received, please call (619) 691-5280

276 FOURTH AVENUE/CHULA VISTA CA 91910

RECEIVED

APR 17 2006

CHULA VISTA
PLANNING & HOUSING DEPT.

THOMAS L. MARSHALL
Attorney At Law
5252 Balboa Avenue, Suite #800
San Diego, California 92117
(858) 292-0478

DATE: April 13, 2006

TO: City of Chula Vista
Planning and Building Department
c/o Douglas Leeper
276 4th Avenue
Chula Vista, CA 91910

FOR PROFESSIONAL SERVICES RENDERED:

Re: Appeal of Loretz Trust

Notice of Violation, Penalties, Brentwood Mobile Home Park

March 17, 2006 and April 7, 2006 hearings

Amount due = \$

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BEFORE THE DIRECTOR
CHULA VISTA PLANNING AND BUILDING DEPARTMENT

In Re:)
Brentwood Mobile Home Park) FINDINGS OF FACT
) AND DECISION
Appeal from Notice of Violations and Notice)
of Penalty Assessment)
)

The appeal of Brentwood Mobile Home Park from the notice of violation and notice of pending assessment/civil penalties came on regularly for hearing on March 17, 2006 in the Offices of the Chula Vista Planning and Building Department, hereafter referred to as "the Department". The hearing was concluded on April 7, 2006 at 9:00 a.m. at the same location. The Hearing Officer was Thomas L. Marshall. Nefouse appearing as counsel for the Department was Deputy City Attorney Deborah Cave. Terry Loretz appeared on behalf of the Loretz Trust, who in turn owns the Brentwood Mobile Home Park. Appearing on behalf of the Department were Senior Code Enforcement Officer Donald Johnson, Code Enforcement Manager Douglas Leaper and Fire Marshal Justin Gipson.

Respondent Brentwood Mobile Home Park, hereafter referred to

1 as "Brentwood", raised an objection regarding the selection of
2 hearing officer pursuant to Haas v. San Bernardino(2002), 27
3 Cal.4th 1017. The issue was raised after the commencement of the
4 hearing on March 17, 2006. At the April 7, 2006 hearing,
5 Respondent was given an opportunity to continue the hearing in
6 order to further investigate related issues or challenge the
7 hearing officer. Respondent elected to waive any objections and
8 proceed with the hearing.

9 EXHIBITS

10 The following exhibits were received without objection by
11 the party:

- 12 5. June 30, 2005 letter;
- 13 8. June 30, 2005 Notice of violation;
- 14 15. June 1, 2005 photos;
- 15 16. July 25, 2005 photos;
- 16 17. August 31, 2005 letter, Department to Respondent;
- 17 19. May 20, 205 photos;
- 18 28. August 4, 2005 letter, Attorney Modafferi to the
19 Department;
- 20 29. August 31, 2005 fax to Modafferi;
- 21 30. August 6, 2005 letter, Modafferi to the Department and
22 Sweetwater Authority Report dated August 30, 2005;
- 23 31. October 24, 2005, letter the Department to Attorney
24 Nefouse;
- 25 32. October 31, 2005 inspection report and August 31st
26 inspection report;
- 27 33. Notice of violation and proof of service;
- 28 34. July 30, 2004 inspection report;

- 1 35. November 9, 2005, letter Nefouse to Department;
- 2 36. November 10, 2005, letter Nefouse to Department;
- 3 37. November 16, 2005, fax Department to Respondent;
- 4 38. January 4, 2006, letter to Department;
- 5 39. October 14, 2005, report;
- 6 40. January 24, 2006, notice of penalty assessment;
- 7 41. September 6, 2005, letter Nefouse to Department;
- 8 42. February 6, 2006, letter Department to Nefouse;
- 9 43. February 7, 2006, letter Department to Nefouse;
- 10 44. February 9, 2006, letter Nefouse to Department;
- 11 45. February 24, 2006, letter Nefouse to Department;
- 12 46. Notice of appeal;
- 13 47. Notice of hearing;
- 14 48. Photos taken on April 13, 2005;
- 15 49. Photos taken on May 11, 2005;
- 16 50. Photos take on May 20, 2005;
- 17 51. Map of the park;
- 18 52. Letters and faxes with reference to issues relating to
- 19 Haas v. San Bernardino, supra.

20 FINDINGS OF FACT

- 21 1. At all times herein mentioned, the Loretz Trust was the
- 22 owner and operator of the Brentwood Mobile Home Park.
- 23 2. From July 30, 2004 through the date of the last hearing,
- 24 Respondent was in violation of §903.2 of the Fire Code, in that
- 25 there was an inadequate water supply for fire protection as
- 26 provided through fire hydrants. Said violation constituted a
- 27 distinct hazard to life or property.
- 28 3. In 2005, the Chula Vista Fire Marshal rendered an

1 opinion that the violation by Respondent's of Fire Code §903.2
2 constituted a distinct hazard to life or property.

3 4. On October 21, 2005, the Department issued notice of
4 violation with reference to the fire code violation and other
5 violations.

6 5. On January 24, 2006, the Department issued a notice of
7 penalty assessment with reference to the fire code violation.

8 6. On March 3, 2006, Respondent filed a notice of appeal.

9 7. The Department incurred \$3,500.00 in enforcement related
10 costs.

11 8. All notices were properly given.

12 STIPULATED ORDERS

13 Prior to the commencement of the hearing the parties met and
14 conferred and reached stipulations as to some of the issues set
15 forth in the notice of appeal. Reference is made to the
16 Department's inspection report dated August 31, 2005. A copy of
17 the report is attached hereto and incorporated by reference.

18 Report paragraph 1: Not subject to appeal.

19 Report paragraph 2: Not subject to appeal.

20 Report paragraph 3: The appeal is withdrawn based upon a
21 agreement that the bollards will be installed in car ports with
22 electrical upgrades. Hardships will be examined individually.
23 The term "hardship" refers to structures or stairs that would
24 impede an installation of the bollards.

25 Report paragraph 4: The parties stipulate that Respondent is
26 in compliance.

27 Report paragraph 5: Withdrawn by the parties without
28 prejudice.

1 Report paragraphs 6 - 7: The parties stipulate that
2 Respondent is in-compliance.

3 Report paragraph 8: At issue.

4 Report paragraph 9: Respondent will install 17 caps within
5 30 days.

6 DISCUSSION, CONTESTED ISSUES

7 The Fire Marshal has persuasively testified that the water
8 supply to the mobile home park is completely inadequate. There
9 is only one fire hydrant at the entrance to the park for the
10 entire park. The one source of water for fire engines with
11 standard fire hoses will not be able to reach a large number of
12 the building units in the park when attached to the sole source
13 of water. Fire Code §102.1 and Health and Safety Code §18691
14 allow the City to impose current standards on older structures or
15 mobile home parks. Apparently the current mobile home park was
16 constructed some time in the 1950's.

17 If the fire engines and trucks are not able to access all of
18 the units within the park while linked to proper water supply,
19 the fire department will not be able to properly respond or
20 contain a fire. Ms. Loretz testified that during the past 40
21 years, all fires have been properly contained. However, the
22 risks to the park and its residents associated with the current
23 violations is unacceptable. The fire protection system in the
24 park in its current condition is a potential disaster waiting to
25 happen. The current violation therefore constitutes a distinct
26 hazard to life or property.

27 DECISION

28 The assessed civil penalties of \$500.00 per day shall be

1 reduced to \$250/day and shall be assessed and accrue from
2 November 2, 2005 through the date of the last hearing. Assessed
3 civil penalties from November 2, 2005 through April 7, 2006 at
4 \$250/day are \$39,000(\$250 x 156 days). All civil penalties shall
5 continue to accrue until the fire code violations have been
6 corrected. All civil penalties with the exception of \$3,500.00
7 and accruing civil penalties shall be stayed on the following
8 conditions:

9 1. That Brentwood Mobile Home Park pay the sum of \$3,500.00
10 in unstayed civil penalties forthwith;

11 2. Brentwood Mobile Home Park correct the violations of the
12 fire code pursuant to the following schedule:

13 a. Brentwood retain the services of a professional engineer
14 within 30 calendar days of the date of this order;

15 b. Brentwood submit preliminary plans prepared by a
16 professional engineer to the fire marshal within 60 calendar days
17 within the date of this order;

18 c. Brentwood submit for permit to the City of Chula Vista
19 and Sweetwater Authority complete plans for a complete system
20 throughout the park within 30 days of approval of the submitted
21 preliminary plans.

22 d. Subsequent to approval by the City of Chula Vista and
23 Sweetwater Authority, a California licensed contractor shall be
24 hired by Brentwood within 60 days of permit approval and shall
25 commence work within 90 days of permit approval.

26 e. Construction shall be completed and Brentwood shall
27 obtain final inspection approval within 90 days of the
28 commencement of construction.

1 The stay of any civil penalties shall only be lifted upon a
2 duly noticed hearing. The hearing officer shall retain
3 jurisdiction.

4
5 Dated: April 13, 2006

T.L. Marshall
THOMAS L. MARSHALL
Hearing Officer



PLANNING & BUILDING DEPARTMENT

October 21, 2005

Brentwood Mobile Home Park
Attn: Manager
1100 Industrial Blvd.
Chula Vista CA 91910

Hall Trust
Attn: Administrator
P O BOX 3201
YOUNTVILLE CA 94599

Subject: Title 25 Mobile Home Park inspection

California Health and Safety Code Section 18400.1, amended and effective 1/1/2000, requires mobilehome/manufactured home enforcement agencies to enter and inspect mobilehome parks to ensure enforcement of the Mobilehome Parks Act. The City of Chula Vista (City) has conducted an inspection of the general areas, buildings, equipment, and utility systems of your mobilehome park, and each individual lot. Violations of the California Health and Safety Code have been discovered, and are required to be corrected.

Within the attached Inspection Report are requirements and timeframes that must be met. In the event these requirements and timeframes are not met, additional enforcement actions will be taken. These actions, with the specific applicable code section references, are contained within the Notice of Violation HI05-0745, and attachments CVMC Section 1.41.060 and 1.41.140 and Inspection Report dated August 31, 2005.

Your prompt assistance in addressing this issue will be greatly appreciated. I can be reached at (619) 409-3844.

Sincerely,

Don Johnson AIA
Senior Code Enforcement Officer

Attachments:

CFC Section 902.2.2.2
California Civil Code 3479, 3480
CCR Title 25 Sections
Notice of Violation, Number HI05-0745, CVMC Sections 1.41.060 and 1.41.140
Inspection Report dated August 31, 2005
Fire Department Inspection Report dated 7/30/2004

Cc: Jim Sandoval, Director of Building & Planning
Brad Remp, Chief Building Official, Assistant Director of Building
Justin Gipson, Fire Marshal
Deborah Cave, Deputy City Attorney
Amy G. Nefouse, Attorney



PLANNING AND BUILDING DEPARTMENT
BUILDING DEPARTMENT
276 FOURTH AVENUE CHULA VISTA, CA 91910
PHONE NO.: (619) 691-5280 FAX NO.: (619) 585-5681

MOBILE HOME PARK NOTICE OF VIOLATION *First Notice* ☒ *Final Notice*

Notice Date: 10/21/2005 Violation Date(s): 8/31/2005 Case Number: HI05-0745
Mobile Home Park Name: BRENTWOOD MOBILE HOME PARK
Space Number / Location: PARKWIDE
Occupant Name: BRENTWOOD MOBILE HOME PARK
Owner/Manager/Employee Name & Address: HALL TRUST 03-02-00*NSNS10/40#FISH LEON H TR*CON
P O BOX 3201 YOUNTVILLE CA 94599

You are hereby notified the violations itemized in the enclosed letter dated October 21, 2005, were not corrected within the timeframes required by the Notice of Violation dated August 31, 2005. You are required to correct the items listed in the letter dated October 21, 2005.

In the event you fail to correct the violations itemized in the letter dated October 21, 2005, within the days listed, you will be charged with a misdemeanor, punishable by a fine not exceeding \$400 or by imprisonment not exceeding 30 days, or both, and the City Of Chula Vista may bring a civil action in Superior Court of the County of San Diego per section 18700 of the California Health and Safety Code. You have the right to request a conference per Section 18421.

If you fail to comply with the schedule identified above and within the inspection report, further enforcement action will be taken which may result in the assessment of full cost recovery and/or other related fines or penalties as authorized by CVMC Sec. 1.41.060 which is printed on attachments to this Notice. These charges will include all personnel costs for time spent conducting investigations, enforcement, and remediation or abatement of the violation as described in CVMC Section 1.41.140 which is printed on attachments to this Notice. The City will bill the responsible person(s) for these costs, and if the costs are not paid, the City may seek payment by placing a lien against the property or by assessing the costs in the same manner as municipal taxes.

Contact the City Code Enforcement Officer listed below at (619) 409-3844 if you have any questions concerning this matter.

Don Johnson AIA
Senior Code Enforcement Officer

(Note: see reverse side of this Notice and attachments)

PLEASE TAKE THIS NOTICE WITH YOU WHEN APPLYING FOR PERMITS

Building and planning permits may be applied for at the building counter or planning counter at 276 fourth avenue, Chula Vista CA. Please telephone (619) 691-5272 for general information about getting the required permits and/or (619) 585-5621 for zoning and sign permit information.

18421. If the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome disputes a determination by the enforcement agency regarding the alleged violation, the alleged failure to correct the violation in the required timeframe, or the reasonableness of the deadline for correction specified by the notice of violation, the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome may request an informal conference with the enforcement agency. The informal conference, and any subsequent hearings or appeals of the decision of the enforcement agency, shall be conducted in accordance with procedures prescribed by the department.

FAILURE TO COMPLY WITH THIS NOTICE OF VIOLATION MAY RESULT IN ANY ONE OR A COMBINATION OF THE FOLLOWING ENFORCEMENT ACTIONS.

18700. Any person who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding four hundred dollars (\$400) or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

Any permitholder who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part, shall be liable for a civil penalty of five hundred dollars (\$500) for each violation or for each day of a continuing violation. The enforcement agency shall institute or maintain an action in the appropriate court to collect any civil penalty arising under this section.

Title 25 Chapter 2 Subchapter 1 Article 10 1617 Consequences of Failure to Abate.

(a) It is unlawful for the person ordered to abate a violation to fail to or refuse to remove and abate that violation within the time period allowed in the order after the date of posting of an order on the cited unit, structure, or property or receipt of an order. After the expiration of the time period allowed for an order related to a violation, the enforcement agency has the authority to initiate any appropriate action or proceeding to abate the violation, including but not limited to seeking a court order for abatement by a receiver or other person.

Title 25 Chapter 2 Subchapter 1 Article 10 1618 Responsibility for Costs

(a) The registered owner of the unit, or any other cited person or entity that fails to correct a violation within the time allotted in the original correction order, or any extension thereto, shall be held responsible for the costs of abatement of the violation. Costs of abatement, for purposes of this section, may include the enforcement agency's investigative and case preparation costs, court costs and attorney fees, the cost associated with any physical actions taken to abate the violation, and any technical service or other fees due to the enforcement agency related to the abatement activity.

(See attachments for CVMC Section 1.41.060 and 1.41.140).



PLANNING & BUILDING DEPARTMENT

INSPECTION REPORT

August 31, 2005

(Note: Strikeouts have been corrected as of October 21, 2005, Italics added October 21, 2005)

1. Throughout the park, the electrical pedestals and panels are in a state of disrepair, are not properly grounded, have parts missing or badly corroded, and are at distances in excess of 4 feet from the mobile home. Due to the lack of maintenance, the circuit may be interrupted to the neutral, causing serious voltage spikes in the homes, damaging appliances and creating a dangerous condition for the occupants.

As a result of the above defects, the electrical system is declared substandard. The electrical system must be replaced to current standards. CCR Title 25 Article 3 Section 1130 (b), Article 10 Section 1605(d)(1).

2. ~~Gas lines and regulators at 13 locations along roadways throughout the park have no, or insufficient, protection from impact. 4" diameter steel bollards 6 feet long, filled with concrete set in 12" min. diameter concrete footings must be installed at each location to provide complete protection (minimum of 2 bollards per location). CCR Title 25 Article 4 Section 1228.~~ *This item has been corrected as of October 21, 2005.*

3. Gas meters, electrical and water connections in carports are unprotected from impact. Bollards must be installed at each exposed utility location. CCR Title 25 Article 3 Section 1178, Article 4 Section 1228, and Article 5 Section 1280.

4. Cabinets and pedestals for telephone and cable television are in a substantial state of disrepair and deterioration, and are declared substandard. New, all weather enclosures must be installed, wiring must be properly contained and all connecting blocks and mechanisms must be properly mounted and protected from weather. CCR Title 25 Article 3 Section 1170.

5. Deteriorated roads and driveways must be patched and re-surfaced. Driveways and yards at mobile homes must be filled and sloped to drain away from home to prevent water accumulation in driveway and under home. Surfacing must conform to Fire Department Standards. CCR Title 25 Article 2 Section 1116 and 2001 California Fire Code Part III Article 9 Section 902.2.2.2.

6. Trash pickup service is insufficient and declared substandard. Frequency of pickup or quantity of containers must be approximately doubled to provide sufficient capacity to keep lids of containers tightly closed and prevent spillage outside of bins between pickup cycles. Curbside service may be a better alternative for residents. CCR Title 25 Article 2 Section 1120

(d), and Article 10 Section 1605(a)(8).

7. ~~Board and Secure abandoned mobile home in space D-41 against entry or remove from park. This home is declared substandard and a public nuisance. Remove illegal additions and storage units. CCR Title 25 Article 10 Section 1606(a)(6), California Civil Code Sections 3479 and 3480. This item has been corrected as of October 21, 2005.~~

8. All items in Fire Department Inspection Report dated 7/30/2004 must be corrected. CCR Title 25 Article 10 Section 1605(h).

9. All cast iron hubs at sewer connections are deteriorated to the point they are no longer able to provide a positive seal, are declared substandard and shall be replaced with new. Entire sewer drain line system is to be inspected by camera for condition, and report submitted to Code Enforcement for review. CCR Title 25 Article 5 Section 1254(b),(c).

The following timeframes to correct Final Notice of Violation HI05-0745 are in effect:

a. Brentwood Mobile Home Park must design, permit, and replace the electrical distribution system to the individual spaces throughout the park and must retain the services of a California Licensed Electrical Engineer to provide design and plans for permit.

b. Brentwood is required to retain the services of a California Licensed Professional Electrical Engineer who shall submit preliminary plans prepared by a California Licensed Professional Engineer to the Building Department within 14 calendar days of the date of Final Notice of Violation, and submit for permit to the City of Chula Vista complete plans for a complete system throughout the park within 14 calendar days of approval of the submitted preliminary plan.

c. Subsequent to approval by the City of Chula Vista, a California Licensed Electrical Contractor shall be hired by Brentwood within 30 calendar days of permit approval, and shall commence work within 45 calendar days of permit approval. Construction shall continue uninterrupted until completion and final inspection approval have been accomplished.

d. 4" diameter steel bollards 6 feet long, filled with concrete must be installed at each of the 13 roadside locations within 30 calendar days from the date of Notice of Violation.

e. Bollards at gas meters, electrical and water connections in all carports must be installed at each exposed utility location within 60 calendar days of the date of this Notice of Violation.

f. Cabinets and pedestals for telephone and cable television must be installed, wiring must be properly contained and all connecting blocks and mechanisms must be properly mounted and protected from weather within 45 days of the date of this Final Notice of Violation.

g. Deteriorated roads and driveways must be patched and re-surfaced, driveways and yards at mobile homes must be filled and sloped to drain away from home within 90 calendar days of completion of installation and final inspection of fire protection system.

h. Trash pickup service frequency of pickup or quantity of containers must be *appropriately increased* ~~approximately doubled~~ within 14 calendar days of the date of this Notice of Violation.

i. ~~Board and Secure abandoned mobile home in space D-41 against entry or remove~~

~~from park and remove illegal additions and storage units within 14 calendar days of the date of this Notice of Violation. This item has been corrected as of October 21, 2005.~~

j. All items in Fire Department Inspection Report dated 7/30/2004 must be corrected within 45 calendar days of the date of this Final Notice of Violation, with the exception of the installation of the fire protection system referenced in Final Notice of Violation HI05-0225 (Fire Protection), which must be completed within the timeframes mentioned in that Final Notice of Violation.

k. All cast iron hubs at sewer connections are deteriorated to the point they are no longer able to provide a positive seal, and shall be replaced with new. Entire sewer drain line system is to be inspected by camera for condition, and report submitted to Code Enforcement for review within 60 calendar days of the date of this Final Notice of Violation.

2001 CALIFORNIA FIRE CODE

902.2.2.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

CALIFORNIA CIVIL CODE

3479 Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a nuisance.

3480 A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

CALIFORNIA CODE OF REGULATIONS, TITLE 25 DIVISION 1 CHAPTER 2

1130 (b) Existing electrical construction, connections, and installations made before the effective date of the requirements of this chapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.

1605 Any permanent building, structure, or portion thereof, or the premises on which it is located, shall be deemed substandard and a nuisance, when any of the following conditions exist that endanger life, limb, health, property, safety or welfare of the occupants or the public.

- (a) Health hazards or inadequate sanitation that include, but are not limited to, the following:
 - (8) Lack of adequate garbage and rubbish storage and removal facilities.
- (d) Electrical Hazards which include, but are not limited to, the following:
 - (1) All electrical wiring that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good and safe condition, or is not being used in a safe manner.
- (h) Any building, structure, or portion thereof, device, apparatus, equipment, combustible waste or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

1178 Where subject to physical damage from vehicular traffic or other causes, the lot service equipment shall be protected by posts, fencing or other barriers approved by the enforcement agency.

1228 Where subject to physical damage from vehicular traffic or other causes, all gas riser outlets, regulators, meters, valves, tanks or other exposed equipment shall be protected by posts, fencing or other barriers approved by the enforcement agency.

CALIFORNIA CODE OF REGULATIONS, TITLE 25 DIVISION 1 CHAPTER 2 (cont)

1280 Where subject to physical damage, all park water service outlets shall be protected by posts, fencing or other barriers approved by the enforcing agency.

1170 (a) All electrical equipment, including switches, circuit breakers, receptacles, lighting fixtures, control equipment, and metering devices located in either damp or wet locations or outside of a unit, accessory building or structure, or a building component designed as a weatherproof structure, shall be constructed of, or installed in, equipment approved for damp or wet locations.

1116 Lot and Park Area Grading. (a) The park area and park roadways shall be so graded that there will be no depressions in which surface water will accumulate and remain for a period of time that would constitute a health and safety violation as determined by the enforcement agency. The ground shall be sloped to provide storm drainage run-off by means of surface or sub-surface drainage facility. (b) Each lot shall be graded to prevent the migration of water to the under floor area of a unit, or accessory building or structure, or building component. Other methods to prevent the migration of water beneath a unit, or accessory building or structure, or building component may be approved by the department as alternatives, in accordance with section 1016 of this chapter.

1120 Rubbish and Accumulation of Waste Material. (d) The park operator shall ensure that a collection system is provided and maintained, with covered containers, for the safe disposal of rubbish.

1254 Lot Drain Inlet (b) Drain inlets shall be provided to accommodate a threaded or clamp-type fitting for connecting drain connectors at proper grade. The drain inlet shall be accessible at ground level. The vertical riser of a drain inlet shall not exceed three (3) inches in height above the concrete supporting slab. Drain inlets shall be gas-tight when not in use. (c) Each drain inlet shall be protected from movement by being encased in a concrete slab not less than three and one-half (3-1/2) inches thick and which surrounds the drain inlet by not less than six (6) inches on any side.

Chula Vista Municipal Code

1.41.060 Reinspection fees.

A. Reinspection fees are authorized to recover city costs when excessive time and effort becomes necessary to obtain code compliance. Reinspection fees are an appropriate method to recover costs that are disproportionately attributable to recalcitrant responsible parties.

B. After a notice of violation or an administrative citation is issued, or an order is issued by or under the authority of a director which requires corrective action by a responsible party, that party will be notified that it will be liable for any reinspection fees necessary if the condition remains uncorrected. The first inspection following the issuance of the notice of violation, citation or order is considered part of the normal cost of enforcement and will not be charged if the condition is then promptly corrected. Otherwise, it will be included as part of the costs of enforcement.

Chula Vista Municipal Code (cont)

C. Reinspection fees may be collected and enforced as part of the enforcement process or in combination with other administrative proceedings under this chapter, provided the responsible party was notified in advance of its liability for reinspection fees under subsection (B) of this section. Appeals, service of notice and hearing procedures are established in Chapter 1.40 CVMC.

D. Reinspection fees will be charged on the basis of actual staff time utilized for the inspection(s), based upon the master fee schedule on file in the office of the city clerk. (Ord. 2718 § 3, 1998).

1.41.140 Cost recovery.

Pursuant to Government Code Section 38773, costs and penalties that may be recovered and enforced against responsible parties under this chapter include, but are not limited to, the following:

A. City's direct cost for abatement of nuisances, together with applicable overhead;

B. Costs of salary and applicable overhead of those city employees and contract personnel involved in the investigation, enforcement and remediation or abatement of a nuisance;

C. City costs for equipment use or rental;

D. Attorney's fees;

E. Court costs and witness fees;

F. Costs of geotechnical, engineering and other technical services and studies;

G. Administrative fines and civil penalties imposed pursuant to this chapter;

H. Reinspection fees pursuant to CVMC 1.41.060;

I. Costs of monitoring programs necessary for correcting, monitoring, abating or mitigating nuisances and violations;

J. Any other fee, cost, or expense reasonably and rationally related to the city's enforcement efforts to abate a nuisance or correct a violation of this code or applicable state law;

K. Treble damages recoverable pursuant to Government Code Section 38773.7. (See CVMC 1.41.160(C)). (Ord. 2718 § 3, 1998).

COVER SHEET

CHULA VISTA FIRE
DEPARTMENT

INSPECTION REPORT

7/30/2004

Chula Vista Fire Department

447 F Street

691-5055

Inspection Report

Business Name/Contact Brentwood Park

Site Address Industrial Blvd.

Phone Number 422-4645
425-2170

Inspection Type Annual Permit# _____ Occ. 12-3 Area 5

Initial & Date	Code Ref.	Compliance Required for Items Listed Below
		SW Corner
	M-1	pile of dead debris in yard must be removed
		Dead growth must be removed around perimeter of park
		Abate hazardous growth on palm trees (beards) ^{especially} on the following spaces: F-5, F-9, H-11, E-15, D-12, D-8, D-11, D-4, C-12, C-11x2, D-15, A-2, B-1, B-4, B-11, B-15, B-23, B-19, C-26, C-29, C-31, D-31, D-34, D-33, D-37, D-38, C-32, D-41, D-28, I-41, J-29, J-41, M-8, M-12, L-8, L-3
Comments: * Note, there is no water supply within park, nearest hydrant is approx 1100 ft.		

Immediate compliance is required. Failure to comply with the above listed requirements may result in legal action and/or suspension of the operation.

Date of Inspection 7/30/04 Time 1.5 Inspector Talavera/Edmonds ID# FPB5/FPB

Re-inspection Date (1) 8/30/04 (2) _____ (3) _____

Date of Re-inspection (1) _____ Time _____ (2) _____ Time _____ (3) _____ Time _____

Signature of Person Accepting Notice [Signature] MARIA VALENZUELA

Date: 7-30-04 Title: Park Mgr

202

Business Name/Contact Brentwood Park
Site Address Industrial Blvd. Phone Number 425-2170
Inspection Type Annual Permit# Occ. R-3 Area 5

Immediate compliance is required. Failure to comply with the above listed requirements may result in legal action and/or suspension of the operation.

Date: 7-30-04 Title: Paul Marage



PLANNING & BUILDING DEPARTMENT

July 25, 2005

Brentwood Mobile Home Park
Attn: Manager
1100 Industrial Blvd.
Chula Vista CA 91910

Subject: Notice of Violation for lack of Fire Protection

An inspection of your mobile home park (Brentwood) is in the process, and the following item has been encountered that has raised a serious concern. The lack of fire protection throughout the park is in violation of the 2001 California Fire Code, Section 903, State of California Title 25 Mobile Home Parks Act, Article 10, Section 1608, and the park has been declared substandard as a result.

Attached is a Final Notice of Violation, Number HI05-0225 (Fire protection), which specifies the lack of fire protection for Brentwood. This Notice does not include other violations throughout the park, as, to date, the extent of the other violations has not been determined. A subsequent Notice of Violation will be issued for those violations.

In order to satisfy the minimum fire protection requirements a water supply sufficient to support fire suppression apparatus must be installed. This includes, but is not limited to, the installation of a significant number of hydrants throughout the park.

The following timeframes to correct Final Notice of Violation HI05-0255 (Fire Protection) are in effect:

1. The Fire Marshal requires Brentwood to design (using a California Registered, Licensed Professional Engineer), permit, install, inspect and maintain a full fire protection system throughout the park. The specific codes imposed by the Fire Marshal are the 2001 California Fire Code, the Sweetwater Authority Standards and current NFPA 24 Standards for underground piping.
2. Brentwood is required to retain the services of a Professional Engineer within 10 calendar days of the date of Final Notice of Violation, submit preliminary plans prepared by a Professional Engineer to the Fire Marshal within 34 calendar days of the date of Final Notice of Violation, and submit for permit to the City of Chula Vista and the Sweetwater Authority complete plans


for a complete system throughout the park within 14 calendar days of approval of the submitted preliminary plan.

3. Subsequent to approval by the City of Chula Vista and the Sweetwater Authority, a California Licensed Contractor shall be hired by Brentwood within 30 calendar days of permit approval, and shall commence work within 45 calendar days of permit approval. Construction shall continue uninterrupted until completion and final inspection approval have been accomplished.

In the event the listed timeframes are not met, the City of Chula Vista will take other administrative, civil and/or criminal action to facilitate compliance with the listed minimum fire suppression requirements.

Your prompt assistance in addressing this issue will be greatly appreciated. I can be reached at (619) 691-5272 ext 3704.

Sincerely,



Don Johnson AIA
Senior Code Enforcement Officer

Attachments:

CFC Section 903
CCR Title 25 Section 1608
Final Notice of Violation HI05-0225 (Fire Protection)

Cc: Jim Sandoval, Director of Building & Planning
Brad Remp, Chief Building Official, Assistant Director of Building
Justin Gipson, Fire Marshal



PLANNING AND BUILDING DEPARTMENT
BUILDING DEPARTMENT
276 FOURTH AVENUE CHULA VISTA, CA 91910
PHONE NO.: (619) 691-5280 FAX NO.: (619) 585-5681

MOBILE HOME PARK NOTICE OF VIOLATION

Final Notice

Notice Date: 7/25/2005 Violation Date(s): 6/30/2005 Case Number: HI05-0225
(Fire Protection)
Mobile Home Park Name: BRENTWOOD MOBILE HOME PARK
Space Number / Location: PARKWIDE
Occupant Name: BRENTWOOD MOBILE HOME PARK
Owner/Manager/Employee Name & Address: HALL TRUST 03-02-00*NSNS10/40#FISH LEON H TR*CON
P O BOX 3201 YOUNTVILLE CA 94599

You are hereby notified the following violation(s) (must be/have not been) corrected.

Violation 2001 California Fire Code and Title 25, Mobile Home Parks Act

Lack of Fire Protection throughout park 2001 CFC Section 903. Park has been declared substandard per CCR 25 1608.

Comments/Corrective Action

Provide complete, approved fire protection system per 2001 California Fire Code, Sweetwater Authority Standards and NFPA 24.

The above violation must be corrected within the number of specific days included in letter dated July 25, 2005. In the event you fail to correct the above violations by the date listed, you will be charged with a misdemeanor, punishable by a fine not exceeding \$400 or by imprisonment not exceeding 30 days, or both, and the City Of Chula Vista may bring a civil action in Superior Court of the County of San Diego per section 18700 of the California Health and Safety Code. You have the right to request a conference per Section 18421.

Contact the City Code Enforcement Officer listed below at (619) 691-5272 extension 3704 if you have any questions concerning this matter.

Don Johnson AIA
Senior Code Enforcement Officer

(Note: see reverse side of this Notice)

PLEASE TAKE THIS NOTICE WITH YOU WHEN APPLYING FOR PERMITS

Building and planning permits may be applied for at the building counter or planning counter at 276 fourth avenue, Chula Vista CA. Please telephone (619) 691-5272 for general information about getting the required permits and/or (619) 585-5621 for zoning and sign permit information.

18421. If the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome disputes a determination by the enforcement agency regarding the alleged violation, the alleged failure to correct the violation in the required timeframe, or the reasonableness of the deadline for correction specified by the notice of violation, the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome may request an informal conference with the enforcement agency. The informal conference, and any subsequent hearings or appeals of the decision of the enforcement agency, shall be conducted in accordance with procedures prescribed by the department.

FAILURE TO COMPLY WITH THIS NOTICE OF VIOLATION MAY RESULT IN ANY ONE OR A COMBINATION OF THE FOLLOWING ENFORCEMENT ACTIONS.

18700. Any person who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding four hundred dollars (\$400) or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

Any permitholder who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part, shall be liable for a civil penalty of five hundred dollars (\$500) for each violation or for each day of a continuing violation. The enforcement agency shall institute or maintain an action in the appropriate court to collect any civil penalty arising under this section.

Title 25 Chapter 2 Subchapter 1 Article 10 1617-Consequences of Failure to Abate.

(a) It is unlawful for the person ordered to abate a violation to fail to or refuse to remove and abate that violation within the time period allowed in the order after the date of posting of an order on the cited unit, structure, or property or receipt of an order. After the expiration of the time period allowed for an order related to a violation, the enforcement agency has the authority to initiate any appropriate action or proceeding to abate the violation, including but not limited to seeking a court order for abatement by a receiver or other person.

Title 25 Chapter 2 Subchapter 1 Article 10 1618 Responsibility for Costs

(a) The registered owner of the unit, or any other cited person or entity that fails to correct a violation within the time allotted in the original correction order, or any extension thereto, shall be held responsible for the costs of abatement of the violation. Costs of abatement, for purposes of this section, may include the enforcement agency's investigative and case preparation costs, court costs and attorney fees, the cost associated with any physical actions taken to abate the violation, and any technical service or other fees due to the enforcement agency related to the abatement activity.

PART III**GENERAL PROVISIONS FOR SAFETY****ARTICLE 9 — FIRE DEPARTMENT ACCESS AND WATER SUPPLY****SECTION 901 — GENERAL**

901.1 Scope. Fire department access and water supply shall be in accordance with Article 9.

For firesafety during construction, alteration or demolition of a building, see Article 87.

901.2 Permits and Plans.

901.2.1 Permits. A permit is required to use or operate fire hydrants or valves intended for fire-suppression purposes which are installed on water systems and accessible to public highways, alleys or private ways open to or generally used by the public. See Section 105, Permit f.1.

EXCEPTION: A permit is not required for persons employed and authorized by the water company which supplies the system to use or operate fire hydrants or valves.

901.2.2 Plans.

901.2.2.1 Fire apparatus access. Plans for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction.

901.2.2.2 Fire hydrant systems. Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

901.3 Timing of Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.

EXCEPTION: When alternate methods of protection, as approved, are provided, the requirements of Section 901.3 may be modified or waived.

901.4 Required Marking of Fire Apparatus Access Roads, Addresses and Fire-protection Equipment.

901.4.1 General. Marking of fire apparatus access roads, addresses and fire-protection equipment shall be in accordance with Section 901.4.

901.4.2 Fire apparatus access roads. When required by the chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.

901.4.3 Fire-protection equipment and fire hydrants. Fire-protection equipment and fire hydrants shall be clearly identified in an approved manner to prevent obstruction by parking and other obstructions.

When required by the chief, hydrant locations shall be identified by the installation of reflective markers.

See also Section 1001.7.

901.4.4 Premises identification. Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

901.4.5 Street or road signs. When required by the chief, streets and roads shall be identified with approved signs.

901.5 Obstruction and Control of Fire Apparatus Access Roads and Fire-protection Equipment. See Sections 902.2.4 and 1001.7.

901.6 Fire Protection in Recreational Vehicle, Mobile Home and Manufactured Housing Parks, Sales Lots and Storage Lots. Recreational vehicle, mobile home and manufactured housing parks, sales lots and storage lots shall provide and maintain fire hydrants and access roads in accordance with Sections 902 and 903.

EXCEPTION: Recreational vehicle parks located in remote areas shall be provided with protection and access roadways as required by the chief.

SECTION 902 — FIRE DEPARTMENT ACCESS

902.1 General. Fire department access roads shall be provided and maintained in accordance with Sections 901 and 902.

For access to residential developments of three or more dwelling units, the chief may be guided by Appendix III-E.

902.2 Fire Apparatus Access Roads.

902.2.1 Required access. Fire apparatus access roads shall be provided in accordance with Sections 901 and 902.2 for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45 720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility. See also Section 902.3 for personnel access to buildings.

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic fire sprinkler system, the provisions of Sections 902.2.1 and 902.2.2 may be modified by the chief.

2. When access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades or other similar conditions, the chief is authorized to require additional fire protection as specified in Section 1001.9.

3. When there are not more than two Group R, Division 3, or Group U Occupancies, the requirements of Sections 902.2.1 and 902.2.2 may be modified by the chief.

More than one fire apparatus road shall be provided when it is determined by the chief that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

For high-piled combustible storage, see Section 8102.6.1.

For required access during construction, alteration or demolition of a building, see Section 8704.2.

902.2.2 Specifications.

902.2.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

EXCEPTION: Vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved.

Vertical clearances or widths shall be increased when, in the opinion of the chief, vertical clearances or widths are not adequate to provide fire apparatus access.

902.2.2.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

902.2.2.3 Turning radius. The turning radius of a fire apparatus access road shall be as approved.

902.2.2.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with approved provisions for the turning around of fire apparatus.

902.2.2.5 Bridges. When a bridge is required to be used as part of a fire apparatus access road, it shall be constructed and maintained in accordance with nationally recognized standards. See Article 90, Standard a.1.1. The bridge shall be designed for a live load sufficient to carry the imposed loads of fire apparatus.

Vehicle load limits shall be posted at both entrances to bridges when required by the chief.

902.2.2.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved.

902.2.3 Marking. See Section 901.4.

902.2.4 Obstruction and control of fire apparatus access.

902.2.4.1 General. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under Section 902.2.2.1 shall be maintained at all times.

Entrances to roads, trails or other accessways which have been closed with gates and barriers in accordance with Section 902.2.4.2 shall not be obstructed by parked vehicles.

902.2.4.2 Closure of accessways. The chief is authorized to require the installation and maintenance of gates or other approved barricades across roads, trails or other accessways, not including public streets, alleys or highways.

When required, gates and barricades shall be secured in an approved manner. Roads, trails and other accessways which have been closed and obstructed in the manner prescribed by Section 902.2.4.2 shall not be trespassed upon or used unless authorized by the owner and the chief.

EXCEPTION: Public officers acting within their scope of duty.

Locks, gates, doors, barricades, chains, enclosures, signs, tags or seals which have been installed by the fire department or by its order or under its control shall not be removed, unlocked, destroyed, tampered with or otherwise molested in any manner.

EXCEPTION: When authorized by the chief or performed by public officers acting within their scope of duty.

902.3 Access to Building Openings.

902.3.1 Required access. Exterior doors and openings required by this code or the Building Code shall be maintained readily accessible for emergency access by the fire department.

An approved access walkway leading from fire apparatus access roads to exterior openings required by this code or the Building Code shall be provided when required by the chief.

902.3.2 Maintenance of exterior doors and openings. Exterior doors or their function shall not be eliminated without prior approval by the chief. Exterior doors which have been rendered nonfunctional and which retain a functional door exterior appearance shall have a sign affixed to the exterior side of such door stating THIS DOOR BLOCKED. The sign shall consist of letters having principal stroke of not less than 3/4 inch (19.1 mm) wide and at least 6 inches (152.4 mm) high on a contrasting background. Required fire department access doors shall not be obstructed or eliminated. See Section 1207 for exit and exit-access doors.

For access doors for high-piled combustible storage, see Section 8102.6.2.

902.3.3 Shaftway marking. Exterior windows in buildings used for manufacturing or for storage purposes which open directly on shaftways or other vertical means of communication between two or more floors shall be plainly marked with the word SHAFTWAY in red letters at least 6 inches (152.4 mm) high on a white background. Warning signs shall be easily discernible from the outside of the building. Door and window openings on such shaftways from the interior of the building shall be similarly marked with the word SHAFTWAY in a manner which is easily visible to anyone approaching the shaftway from the interior of the building, unless the construction of the partition surrounding the shaftway is of such distinctive nature as to make its purpose evident at a glance.

902.4 Key Boxes. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.

SECTION 903 — WATER SUPPLIES AND FIRE HYDRANTS

903.1 General. Water supplies and fire hydrants shall be in accordance with Sections 901 and 903.

903.2 Required Water Supply for Fire Protection. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protected is in excess of 150 feet (45 720 mm) from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the chief. See Section 903.4.

903.3 Type of Water Supply. Water supply is allowed to consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. In setting the requirements for fire flow, the chief may be guided by Appendix III-A.

903.4 Fire Hydrant Systems.

903.4.1 General.

903.4.1.1 Applicability. Fire hydrant systems and fire hydrants shall be in accordance with Section 903.4.

903.4.1.2 Testing and maintenance. Fire hydrant systems shall be subject to such periodic tests as required by the chief. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall be in accordance with approved standards.

903.4.1.3 Tampering and obstruction. See Sections 1001.6 and 1001.7.

903.4.2 Required installations. The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved. See Appendix III-B.

Fire hydrants shall be accessible to the fire department apparatus by roads meeting the requirements of Section 902.2.

903.4.3 Protection, marking and obstruction of hydrants. Fire hydrants subject to possible vehicular damage shall be adequately protected with guard posts in accordance with Section 8001.11.3. For marking, see Section 901.4.3. For obstruction, see Section 1001.7.

903.4.4 Maintenance and use of hydrants. See Sections 1001.5 and 1001.6.2.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18402, 18404, 18550, 18605, and 18610, Health and Safety Code.

§ 1608. Substandard Accessory Buildings and Structures and Building Components.

Any accessory structure or building, or building component or portion thereof, or the premises on which the same is located, shall be deemed substandard and a nuisance when any of the following conditions exist that endanger the life, limb, health, property, safety, or welfare of the occupants or the public.

(a) Health hazards or inadequate sanitation include, but are not limited to, the following:

- (1) When installed, inoperable or defective water closet, lavatory, bathtub or shower.
- (2) When installed, inoperable or defective kitchen sink.
- (3) When installed, inadequate hot and cold running water to plumbing fixtures.
- (4) Dampness of habitable rooms.
- (5) Infestation of insects, vermin or rodents.
- (6) General dilapidation or improper maintenance.
- (7) When installed, defective connection of plumbing fixtures to a sewage disposal system.

(b) Structural hazards, which include, but are not limited to, the following:

- (1) Deteriorated or inadequate foundations or stabilizing devices.
- (2) Defective or deteriorated flooring or floor supports.
- (3) Flooring or floor supports of insufficient size to carry imposed loads with safety.
- (4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

(6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

(8) Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.

(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(10) Lack of, inoperable, or defective required ventilating equipment.

(11) Lack of minimum amounts of required natural light and ventilation.

(c) Nuisance as defined in section 1002.

(d) Electrical hazards include, but are not limited to, the following:

(1) All electrical wiring that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good and safe condition, or is not being used in a safe manner.

(2) Lack of, inoperable, or defective required electrical lighting.

(e) Plumbing that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good or safe condition, or has cross-connections and siphonage between fixtures.

(f) Mechanical equipment, including heating equipment and its vents, that did not conform with all applicable laws and regulations in effect at the time of its installation or which has not been maintained in good and safe condition, or is not being used in a safe manner.

(1) Inoperable or defective heating facilities.

(g) Faulty weather protection, which includes, but is not limited to, the following:

(1) Deteriorated roofs.

(2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.

(3) Defective or lack of weather protection for exterior wall coverings.

(4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

(h) Any accessory structure or building or building component or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(i) Materials or construction not allowed or approved by this chapter or which have not been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health or safety hazards.

(k) All accessory building or structures or building components or portions thereof not provided with adequate exit facilities as required by this chapter except those buildings or portions thereof whose exit facilities conformed with all applicable laws and regulations in effect at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(l) All buildings, structures, or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this chapter, except those buildings, structures, or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing system or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(m) All accessory buildings or structures or building components or portions thereof occupied for living, sleeping, cooking, or dining purposes which were not designed or intended to be used for such occupancies.

(n) Room and space dimensions less than required by this chapter.

NOTE: Authority Cited: Section 18300 Health and Safety Code. Reference: Sections 18402, 18404, 18552 and 18610, Health and Safety Code.

§ 1610. Abatement.

(a) The registered owner of a unit, accessory building or structure, or building component that is constructed, altered, converted, used, or maintained in a manner that constitutes a violation is required to abate the violation.

(b) The legal owner of the property, or park owner or operator for properties or permanent buildings under their ownership or control, that is constructed, altered, converted, used, or maintained in a manner that constitutes a violation, is required to abate the violation.

NOTE: Authority cited: Section 18300 Health and Safety Code. Reference: Sections 18402, 18404, 18550, 18552, 18605, 18610, and 18613 Health and Safety Code.

§ 1611. Notice of Violation and Orders to Correct.

(a)(1) Whenever the enforcement agency finds a condition that constitutes a violation of this chapter, the Health and Safety Code, or any other applicable provision of law, the enforcement agency shall provide a written notice to the person or entity responsible for correction of the violation.

(2) The written notice shall state the conditions which constitute the violation including a reference to the law or regulation being violated; and shall order its abatement, or correction within five (5) days after the date of notice or a longer period of time as allowed by the enforcement agency.

(3) If a unit is in such condition that identification numbers are not available to determine ownership, the notice shall be given to the owner of the real property, or if located in a park the owner or operator of the park.

(4) Whenever the enforcement agency determines a unit, habitable accessory building or structure, or permanent building constitutes an imminent hazard representing an immediate risk to the life, health, or the safety of an occupant, the enforcement agency shall post a notice on the structure, declaring it uninhabitable. The unit, habitable accessory building or structure, or permanent building shall not be occupied until deemed safe by the enforcement agency. At the time of the posting, the enforcement agency shall issue a notice as described in this section to the registered owner. A copy of the notice shall be issued to the occupant of the unit, accessory building or structure, or permanent building, if the occupant is not the registered owner.

NOTE: Authority cited: Sections 18300, 18605, 18610, 18620, 18630, 18640, 18670, 18690, and 18691 Health and Safety Code. Reference: Sections 18300, 18402, 18404, 18500, 18550, 18605, 18610, 18620, 18630, 18640, 18670, 18690, and 18691 Health and Safety Code.



PLANNING & BUILDING DEPARTMENT

NOTICE OF ADMINISTRATIVE HEARING

RECEIVED
DEC 18 2006

Date: December 11, 2006
Administrative Action: Appeal of Notice of Intent to Record Notice of Violation
Requestor: City of Chula Vista
Location of Violation: 1100 Industrial Blvd. Chula Vista, CA 91911
APN#: # 618-200-01-00
Case #: HI05-0754, HI05-0225

Date: Thursday, December 21, 2006 **Time:** 1:30 PM
Location: 276 Fourth Avenue, Chula Vista, CA 91910
Council Conference Room #101 (next to Council Chambers)

The hearing procedures shall be in accordance with the attached Chula Vista Municipal Code Section 1.40.020.

You may have legal representation but must provide written notification to this Hearing Examiner and the City Department issuing the citation of the attorney's name, address, and phone number at least seven (7) calendar days prior to the hearing.

Assigned Hearing Examiner: Thomas Marshall
Attorney at Law
5252 Balboa Avenue #800
San Diego, CA 92117

City Staff to Appear: Doug Leeper, Code Enforcement Manager
Don Johnson, Senior Code Enforcement Officer
Deborah Cave, Deputy City Attorney

If you feel the assigned Hearing Examiner may pose a conflict of interest and should not hear your appeal, you may submit a written request for change of Hearing Examiner within five (5) calendar days of the receipt of this notification stating the name of the Hearing Examiner, your name, and the date and time of your appeal. With your request, you must present evidence of a relationship, prejudice or bias that would result in an unfair hearing. After receipt, the City Manager shall determine whether to grant the request for disqualification.

COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT

The City of Chula Vista, in compliance with the Americans with Disabilities Act (ADA), asks individuals who require special accommodation to access, attend, and/or participate in a City meeting, activity, or service, to request such accommodation at least forty-eight hours in advance for meetings and five days in advance for scheduled services and activities. Please contact one of the Code Enforcement Office Specialists at 619-691-5820.



PLANNING & BUILDING DEPARTMENT

December 8, 2006

Brentwood Mobile Home Park
Attn: Terri Loretz
1100 Industrial Blvd
Chula Vista Ca 91910

RE: Notice of Violation Case No. HI05-0745
Brentwood Mobile Home Park
1100 Industrial Blvd.
Chula Vista CA 91910

Dear Ms. Loretz:

This letter is to inform you of the revision of assessment of civil penalties, in the amount of \$500 per day now commencing November 2, 2005, and continuing until abatement of all violations referenced in Notice of Violation HI05-0745.

Civil Penalties are being re-assessed due to the failure to pursue work as relates to Notice of Violation HI06-0745. No permit is now in effect, due to expiration of permit number B06-0308, essentially placing Brentwood in non-compliance as of November 2, 2005.

You are required to abate the violations referenced in Notice of Violation HI05-0745 or you will be subject to additional fines, penalties and further enforcement action. You are required to remit payment in the amount of \$200,500.00 to the City Of Chula Vista within 30 days of the date of this notice. Civil Penalties will continue to accrue at a rate of \$500 per day until abatement of all violations referenced in Notice of Violation HI05-0745.

In the event you require additional information, please do not hesitate to call me at (619) 409-3844.

Sincerely,


Don Johnson AIA
Senior Code Enforcement Officer

Cc: Hall Trust
DLA Piper Rudnick Gray Cary
Fitzimmons & Associates
Chicago Title
Follett Investment properties

for compliance reinspection. The responsible party will be advised that a reinspection fee (CVMC 1.41.060) will be imposed for a second and all subsequent reinspection if compliance is not voluntarily obtained, and that an administrative citation may also be issued along with civil penalties pursuant to CVMC 1.41.100 and 1.41.110 until the property is brought into compliance. The responsible party will be allowed a minimum of 10 calendar days to correct minor violations and no less than 30 calendar days for major violations. A code enforcement officer may extend the time for a reasonable period beyond those limits if circumstances dictate. The notice of violation will inform the responsible party of the potential costs and consequences that may ensue under this chapter if voluntary compliance is not obtained within the time prescribed. If the violation is corrected in accordance with the terms of the notice of violation, no costs or charges will be imposed.

B. Service of a notice of violation is effective upon delivery or mailing pursuant to this section. Failure or refusal to sign does not invalidate the notice of violation and subsequent proceedings.

C. The property will be reinspected once for compliance. If the responsible party refuses to allow inspection, after a reasonable demand, the code enforcement officer may obtain an inspection warrant pursuant to Code of Civil Procedure Section 1822.50. Failure of the responsible party to allow inspection or remedy the violation shall result in the issuance of an administrative citation, the charging of reinspection fees, and may result in a separate criminal violation for the failure to allow inspection (CCP Section 1822.57).

D. If the violation also constitutes the performance of work without a required permit or in violation of an issued permit, the code enforcement officer may issue a cease and desist order pursuant to CVMC 1.41.070 to temporarily and immediately enjoin the work and to take any other action appropriate at that time. If the violation creates a hazardous condition which affects public safety or an imminent threat to life, safety, summary abatement may be initiated pursuant to this section. (Ord. 2718 § 3, 1998).

1.41.040 Recordation of notice of violation.

A. Whenever a violation on real property remains uncorrected after a notice of violation has been issued, a copy of the notice of violation may be recorded by the director in the real property records of San Diego County if the following prerequisites are met:

1. A violation has remained uncorrected on the property for at least 30 calendar days following service of the notice of violation;

2. The owner, if not the responsible party, has been notified of the prospective recordation and been offered the opportunity to correct the violation;

3. The property owner and all of the responsible parties shall be notified that development permits shall be withheld during the time the property remains in violation pursuant to CVMC 1.41.050, except for those permits that are necessary to bring the property into compliance;

4. The responsible party and the property owner have been noticed and offered a hearing pursuant to Chapter 1.40 CVMC to contest the proposed corrective action and the proposed recordation.

B. The director is authorized to record the notice of violation pursuant to this section upon issuance of the final order.

C. Cancellation of Recordation. The director shall issue to the property owner and other responsible parties a signed notice of compliance which states on its face that it cancels the notice of violation once all violations have been corrected and any administrative penalties, costs and fines involved in the enforcement process have been paid. The notice of compliance shall be recorded by the director if the notice of violation was recorded. (Ord. 2718 § 3, 1998).

1.41.050 Nonissuance of permits.

After a notice of violation has been recorded against the property pursuant to CVMC 1.41.040, the city manager shall withhold the issuance of any permits for development as allowed by law upon that property, save for those permits necessary to correct the violation(s). A party whose permits are to be withheld shall be noticed as part of the recordation process pursuant to CVMC 1.41.040 and offered a hearing pursuant to Chapter 1.40 CVMC in which to contest this decision. (Ord. 2718 § 3, 1998).

1.41.060 Reinspection fees.

A. Reinspection fees are authorized to recover city costs when excessive time and effort becomes necessary to obtain code compliance. Reinspection fees are an appropriate method to recover costs that are disproportionately attributable to recalcitrant responsible parties.

B. After a notice of violation or an administrative citation is issued, or an order is issued by or



PLANNING AND BUILDING DEPARTMENT
BUILDING DEPARTMENT
276 FOURTH AVENUE CHULA VISTA, CA 91910
PHONE NO.: (619) 691-5280 FAX NO.: (619) 585-5681

MOBILE HOME PARK NOTICE OF VIOLATION

Final Notice

Notice Date: 11/02/2005 Violation Date(s): 6/30/2005 Case Number: HI05-0225
(Fire Protection)

Mobile Home Park Name: BRENTWOOD MOBILE HOME PARK

Space Number / Location: PARKWIDE

Occupant Name: BRENTWOOD MOBILE HOME PARK

Owner/Manager/Employee Name & Address: HALL TRUST 03-02-00*NSNS10/40#FISH LEON H TR*CON
P O BOX 3201 YOUNTVILLE CA 94599

You are hereby notified the following violation(s) (must be/have not been) corrected.

Violation 2001 California Fire Code and Title 25, Mobile Home Parks Act

Lack of Fire Protection throughout park 2001 CFC Section 903. Park has been declared substandard per CCR 25 1608.

Comments/Corrective Action

Provide complete, approved fire protection system per 2001 California Fire Code, Sweetwater Authority Standards and NFPA 24.

The above violation must be corrected within the number of specific days included in letter dated July 25, 2005. In the event you fail to correct the above violations by the date listed, you will be charged with a misdemeanor, punishable by a fine not exceeding \$400 or by imprisonment not exceeding 30 days, or both, and the City Of Chula Vista may bring a civil action in Superior Court of the County of San Diego per section 18700 of the California Health and Safety Code. You have the right to request a conference per Section 18421.

Contact the City Code Enforcement Officer listed below at (619) 691-5272 extension 3704 if you have any questions concerning this matter.

Don Johnson AIA
Senior Code Enforcement Officer

(Note: see reverse side of this Notice)

PLEASE TAKE THIS NOTICE WITH YOU WHEN APPLYING FOR PERMITS

Building and planning permits may be applied for at the building counter or planning counter at 276 fourth avenue, Chula Vista CA. Please telephone (619) 691-5272 for general information about getting the required permits and/or (619) 585-5621 for zoning and sign permit information.

18421. If the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome disputes a determination by the enforcement agency regarding the alleged violation, the alleged failure to correct the violation in the required timeframe, or the reasonableness of the deadline for correction specified by the Final Notice of Violation, the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome may request, in writing, a hearing pursuant to CCR Title 25 Section 1613, or within ten (10) days of the date of this Final Notice may request, in writing, an informal conference with the enforcement agency per CCR Title 25 Section 1752. The informal conference, and any subsequent hearings or appeals of the decision of the enforcement agency, shall be conducted in accordance with procedures prescribed by the department.

FAILURE TO COMPLY WITH THIS NOTICE OF VIOLATION MAY RESULT IN ANY ONE OR A COMBINATION OF THE FOLLOWING ENFORCEMENT ACTIONS.

18700. Any person who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding four hundred dollars (\$400) or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

Any permitholder who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part, shall be liable for a civil penalty of five hundred dollars (\$500) for each violation or for each day of a continuing violation. The enforcement agency shall institute or maintain an action in the appropriate court to collect any civil penalty arising under this section.

Title 25 Chapter 2 Subchapter 1 Article 10 1617 Consequences of Failure to Abate.

(a) It is unlawful for the person ordered to abate a violation to fail to or refuse to remove and abate that violation within the time period allowed in the order after the date of posting of an order on the cited unit, structure, or property or receipt of an order. After the expiration of the time period allowed for an order related to a violation, the enforcement agency has the authority to initiate any appropriate action or proceeding to abate the violation, including but not limited to seeking a court order for abatement by a receiver or other person.

Title 25 Chapter 2 Subchapter 1 Article 10 1618 Responsibility for Costs

(a) The registered owner of the unit, or any other cited person or entity that fails to correct a violation within the time allotted in the original correction order, or any extension thereto, shall be held responsible for the costs of abatement of the violation. Costs of abatement, for purposes of this section, may include the enforcement agency's investigative and case preparation costs, court costs and attorney fees, the cost associated with any physical actions taken to abate the violation, and any technical service or other fees due to the enforcement agency related to the abatement activity.



PLANNING & BUILDING DEPARTMENT

July 25, 2005

Brentwood Mobile Home Park
Attn: Manager
1100 Industrial Blvd.
Chula Vista CA 91910

Subject: Notice of Violation for lack of Fire Protection

An inspection of your mobile home park (Brentwood) is in the process, and the following item has been encountered that has raised a serious concern. The lack of fire protection throughout the park is in violation of the 2001 California Fire Code, Section 903, State of California Title 25 Mobile Home Parks Act, Article 10, Section 1608, and the park has been declared substandard as a result.

Attached is a Final Notice of Violation, Number HI05-0225 (Fire protection), which specifies the lack of fire protection for Brentwood. This Notice does not include other violations throughout the park, as, to date, the extent of the other violations has not been determined. A subsequent Notice of Violation will be issued for those violations.

In order to satisfy the minimum fire protection requirements a water supply sufficient to support fire suppression apparatus must be installed. This includes, but is not limited to, the installation of a significant number of hydrants throughout the park.

The following timeframes to correct Final Notice of Violation HI05-0255 (Fire Protection) are in effect:

1. The Fire Marshal requires Brentwood to design (using a California Registered, Licensed Professional Engineer), permit, install, inspect and maintain a full fire protection system throughout the park. The specific codes imposed by the Fire Marshal are the 2001 California Fire Code, the Sweetwater Authority Standards and current NFPA 24 Standards for underground piping.
2. Brentwood is required to retain the services of a Professional Engineer within 10 calendar days of the date of Final Notice of Violation, submit preliminary plans prepared by a Professional Engineer to the Fire Marshal within 34 calendar days of the date of Final Notice of Violation, and submit for permit to the City of Chula Vista and the Sweetwater Authority complete plans

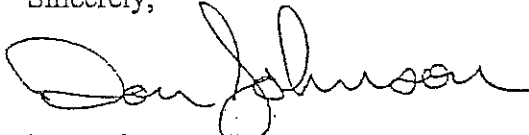
for a complete system throughout the park within 14 calendar days of approval of the submitted preliminary plan.

3. Subsequent to approval by the City of Chula Vista and the Sweetwater Authority, a California Licensed Contractor shall be hired by Brentwood within 30 calendar days of permit approval, and shall commence work within 45 calendar days of permit approval. Construction shall continue uninterrupted until completion and final inspection approval have been accomplished.

In the event the listed timeframes are not met, the City of Chula Vista will take other administrative, civil and/or criminal action to facilitate compliance with the listed minimum fire suppression requirements.

Your prompt assistance in addressing this issue will be greatly appreciated. I can be reached at (619) 691-5272 ext 3704.

Sincerely,



Don Johnson AIA
Senior Code Enforcement Officer

Attachments:

CFC Section 903
CCR Title 25 Section 1608
Final Notice of Violation HI05-0225 (Fire Protection)

Cc: Jim Sandoval, Director of Building & Planning
Brad Remp, Chief Building Official, Assistant Director of Building
Justin Gipson, Fire Marshal



PLANNING AND BUILDING DEPARTMENT
BUILDING DEPARTMENT
276 FOURTH AVENUE CHULA VISTA, CA 91910
PHONE NO.: (619) 691-5280 FAX NO.: (619) 585-5681

MOBILE HOME PARK NOTICE OF VIOLATION *First Notice* *X Final Notice*

Notice Date: 11/02/2005 Violation Date(s): 8/31/2005 Case Number: HI05-0745

Mobile Home Park Name: BRENTWOOD MOBILE HOME PARK

Space Number / Location: PARKWIDE

Occupant Name: BRENTWOOD MOBILE HOME PARK

Owner/Manager/Employee Name & Address: HALL TRUST 03-02-00*NSNS10/40#FISH LEON H TR*CON
P O BOX 3201 YOUNTVILLE CA 94599

You are hereby notified the violations itemized in the enclosed letter dated October 21, 2005, were not corrected within the timeframes required by the Notice of Violation dated August 31, 2005. You are required to correct the items listed in the letter dated October 21, 2005.

In the event you fail to correct the violations itemized in the letter dated October 21, 2005, within the days listed, you will be charged with a misdemeanor, punishable by a fine not exceeding \$400 or by imprisonment not exceeding 30 days, or both, and the City Of Chula Vista may bring a civil action in Superior Court of the County of San Diego per section 18700 of the California Health and Safety Code. You have the right to request a conference per Section 18421.

If you fail to comply with the schedule identified above and within the inspection report, further enforcement action will be taken which may result in the assessment of full cost recovery and/or other related fines or penalties as authorized by CVMC Sec. 1.41.060 which is printed on attachments to this Notice. These charges will include all personnel costs for time spent conducting investigations; enforcement, and remediation or abatement of the violation as described in CVMC Section 1.41.140 which is printed on attachments to this Notice. The City will bill the responsible person(s) for these costs, and if the costs are not paid, the City may seek payment by placing a lien against the property or by assessing the costs in the same manner as municipal taxes.

Contact the City Code Enforcement Officer listed below at (619) 409-3844 if you have any questions concerning this matter.

Don Johnson AIA
Senior Code Enforcement Officer

(Note: see reverse side of this Notice and attachments)

PLEASE TAKE THIS NOTICE WITH YOU WHEN APPLYING FOR PERMITS

Building and planning permits may be applied for at the building counter or planning counter at 276 fourth avenue, Chula Vista CA. Please telephone (619) 691-5272 for general information about getting the required permits and/or (619) 585-5621 for zoning and sign permit information.

18421. If the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome disputes a determination by the enforcement agency regarding the alleged violation, the alleged failure to correct the violation in the required timeframe, or the reasonableness of the deadline for correction specified by the Final Notice of Violation, the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome may request, in writing, a hearing pursuant to CCR Title 25 Section 1613, or within ten (10) days of the date of this Final Notice may request, in writing, an informal conference with the enforcement agency per CCR Title 25 Section 1752. The informal conference, and any subsequent hearings or appeals of the decision of the enforcement agency, shall be conducted in accordance with procedures prescribed by the department.

FAILURE TO COMPLY WITH THIS NOTICE OF VIOLATION MAY RESULT IN ANY ONE OR A COMBINATION OF THE FOLLOWING ENFORCEMENT ACTIONS.

18700. Any person who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding four hundred dollars (\$400) or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

Any permitholder who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part, shall be liable for a civil penalty of five hundred dollars (\$500) for each violation or for each day of a continuing violation. The enforcement agency shall institute or maintain an action in the appropriate court to collect any civil penalty arising under this section.

Title 25 Chapter 2 Subchapter 1 Article 10 1617 Consequences of Failure to Abate.

(a) It is unlawful for the person ordered to abate a violation to fail to or refuse to remove and abate that violation within the time period allowed in the order after the date of posting of an order on the cited unit, structure, or property or receipt of an order. After the expiration of the time period allowed for an order related to a violation, the enforcement agency has the authority to initiate any appropriate action or proceeding to abate the violation, including but not limited to seeking a court order for abatement by a receiver or other person.

Title 25 Chapter 2 Subchapter 1 Article 10 1618 Responsibility for Costs

(a) The registered owner of the unit, or any other cited person or entity that fails to correct a violation within the time allotted in the original correction order, or any extension thereto, shall be held responsible for the costs of abatement of the violation. Costs of abatement, for purposes of this section, may include the enforcement agency's investigative and case preparation costs, court costs and attorney fees, the cost associated with any physical actions taken to abate the violation, and any technical service or other fees due to the enforcement agency related to the abatement activity.



PLANNING & BUILDING DEPARTMENT

INSPECTION REPORT

August 31, 2005

(Note: Strikeouts have been corrected as of October 21, 2005, Italics added October 21, 2005)

1. Throughout the park, the electrical pedestals and panels are in a state of disrepair, are not properly grounded, have parts missing or badly corroded, and are at distances in excess of 4 feet from the mobile home. Due to the lack of maintenance, the circuit may be interrupted to the neutral, causing serious voltage spikes in the homes, damaging appliances and creating a dangerous condition for the occupants.

As a result of the above defects, the electrical system is declared substandard. The electrical system must be replaced to current standards. CCR Title 25 Article 3 Section 1130 (b), Article 10 Section 1605(d)(1).

2. ~~Gas lines and regulators at 13 locations along roadways throughout the park have no, or insufficient, protection from impact. 4" diameter steel bollards 6 feet long, filled with concrete set in 12" min. diameter concrete footings must be installed at each location to provide complete protection (minimum of 2 bollards per location). CCR Title 25 Article 4 Section 1228.~~ *This item has been corrected as of October 21, 2005.*

3. Gas meters, electrical and water connections in carports are unprotected from impact. Bollards must be installed at each exposed utility location. CCR Title 25 Article 3 Section 1178, Article 4 Section 1228, and Article 5 Section 1280.

4. Cabinets and pedestals for telephone and cable television are in a substantial state of disrepair and deterioration, and are declared substandard. New, all weather enclosures must be installed, wiring must be properly contained and all connecting blocks and mechanisms must be properly mounted and protected from weather. CCR Title 25 Article 3 Section 1170.

5. Deteriorated roads and driveways must be patched and re-surfaced. Driveways and yards at mobile homes must be filled and sloped to drain away from home to prevent water accumulation in driveway and under home. Surfacing must conform to Fire Department Standards. CCR Title 25 Article 2 Section 1116 and 2001 California Fire Code Part III Article 9 Section 902.2.2.2.

6. Trash pickup service is insufficient and declared substandard. Frequency of pickup or quantity of containers must be approximately doubled to provide sufficient capacity to keep lids of containers tightly closed and prevent spillage outside of bins between pickup cycles. Curbside service may be a better alternative for residents. CCR Title 25 Article 2 Section 1120

(d), and Article 10 Section 1605(a)(8).

7. ~~Board and Secure abandoned mobile home in space D 41 against entry or remove from park. This home is declared substandard and a public nuisance. Remove illegal additions and storage units. CCR Title 25 Article 10 Section 1606(a)(6), California Civil Code Sections 3479 and 3480. This item has been corrected as of October 21, 2005.~~

8. All items in Fire Department Inspection Report dated 7/30/2004 must be corrected. CCR Title 25 Article 10 Section 1605(h).

9. All cast iron hubs at sewer connections are deteriorated to the point they are no longer able to provide a positive seal, are declared substandard and shall be replaced with new. Entire sewer drain line system is to be inspected by camera for condition, and report submitted to Code Enforcement for review. CCR Title 25 Article 5 Section 1254(b),(c).

The following timeframes to correct Final Notice of Violation HI05-0745 are in effect:

a. Brentwood Mobile Home Park must design, permit, and replace the electrical distribution system to the individual spaces throughout the park and must retain the services of a California Licensed Electrical Engineer to provide design and plans for permit.

b. Brentwood is required to retain the services of a California Licensed Professional Electrical Engineer who shall submit preliminary plans prepared by a California Licensed Professional Engineer to the Building Department within 14 calendar days of the date of Final Notice of Violation, and submit for permit to the City of Chula Vista complete plans for a complete system throughout the park within 14 calendar days of approval of the submitted preliminary plan.

c. Subsequent to approval by the City of Chula Vista, a California Licensed Electrical Contractor shall be hired by Brentwood within 30 calendar days of permit approval, and shall commence work within 45 calendar days of permit approval. Construction shall continue uninterrupted until completion and final inspection approval have been accomplished.

d. 4" diameter steel bollards 6 feet long, filled with concrete must be installed at each of the 13 roadside locations within 30 calendar days from the date of Notice of Violation.

e. Bollards at gas meters, electrical and water connections in all carports must be installed at each exposed utility location within 60 calendar days of the date of this Notice of Violation.

f. Cabinets and pedestals for telephone and cable television must be installed, wiring must be properly contained and all connecting blocks and mechanisms must be properly mounted and protected from weather within 45 days of the date of this Final Notice of Violation.

g. Deteriorated roads and driveways must be patched and re-surfaced, driveways and yards at mobile homes must be filled and sloped to drain away from home within 90 calendar days of completion of installation and final inspection of fire protection system.

h. Trash pickup service frequency of pickup or quantity of containers must be appropriately increased ~~approximately doubled~~ within 14 calendar days of the date of this Notice of Violation.

i. ~~Board and Secure abandoned mobile home in space D 41 against entry or remove~~

~~from park and remove illegal additions and storage units within 14 calendar days of the date of this Notice of Violation. This item has been corrected as of October 21, 2005.~~

j. All items in Fire Department Inspection Report dated 7/30/2004 must be corrected within 45 calendar days of the date of this Final Notice of Violation, with the exception of the installation of the fire protection system referenced in Final Notice of Violation HI05-0225 (Fire Protection), which must be completed within the timeframes mentioned in that Final Notice of Violation.

k. All cast iron hubs at sewer connections are deteriorated to the point they are no longer able to provide a positive seal, and shall be replaced with new. Entire sewer drain line system is to be inspected by camera for condition, and report submitted to Code Enforcement for review within 60 calendar days of the date of this Final Notice of Violation.

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7
8 BEFORE THE DIRECTOR

9 CHULA VISTA PLANNING AND BUILDING DEPARTMENT
10

11 In Re:

12 Brentwood Mobile Home Park

13 Appeal from Notice of Violations and Notice
14 of Penalty Assessment

)
)
) FINDINGS OF FACT
) AND DECISION
)
)
)

15 The appeal of Brentwood Mobile Home Park from the notice of
16 violation and notice of pending assessment/civil penalties came
17 on regularly for hearing on March 17, 2006 in the Offices of the
18 Chula Vista Planning and Building Department, hereafter referred
19 to as "the Department". The hearing was concluded on April 7,
20 2006 at 9:00 a.m. at the same location. The Hearing Officer was
21 Thomas L. Marshall. Nefouse appearing as counsel for the
22 Department was Deputy City Attorney Deborah Cave. Terry Loretz
23 appeared on behalf of the Loretz Trust, who in turn owns the
24 Brentwood Mobile Home Park. Appearing on behalf of the
25 Department were Senior Code Enforcement Officer Donald Johnson,
26 Code Enforcement Manager Douglas Leaper and Fire Marshal Justin
27 Gipson.

28 Respondent Brentwood Mobile Home Park, hereafter referred to

1 as "Brentwood", raised an objection regarding the selection of
2 hearing officer pursuant to Haas v. San Bernardino(2002), 27
3 Cal.4th 1017. The issue was raised after the commencement of the
4 hearing on March 17, 2006. At the April 7, 2006 hearing,
5 Respondent was given an opportunity to continue the hearing in
6 order to further investigate related issues or challenge the
7 hearing officer. Respondent elected to waive any objections and
8 proceed with the hearing.

9 EXHIBITS

10 The following exhibits were received without objection by
11 the party:

- 12 5. June 30, 2005 letter;
- 13 8. June 30, 2005 Notice of violation;
- 14 15. June 1, 2005 photos;
- 15 16. July 25, 2005 photos;
- 16 17. August 31, 2005 letter, Department to Respondent;
- 17 19. May 20, 205 photos;
- 18 28. August 4, 2005 letter, Attorney Modafferi to the
19 Department;
- 20 29. August 31, 2005 fax to Modafferi;
- 21 30. August 6, 2005 letter, Modafferi to the Department and
22 Sweetwater Authority Report dated August 30, 2005;
- 23 31. October 24, 2005, letter the Department to Attorney
24 Nefouse;
- 25 32. October 31, 2005 inspection report and August 31st
26 inspection report;
- 27 33. Notice of violation and proof of service;
- 28 34. July 30, 2004 inspection report;

1 35. November 9, 2005, letter Nefouse to Department;
2 36. November 10, 2005, letter Nefouse to Department;
3 37. November 16, 2005, fax Department to Respondent;
4 38. January 4, 2006, letter to Department;
5 39. October 14, 2005, report;
6 40. January 24, 2006, notice of penalty assessment;
7 41. September 6, 2005, letter Nefouse to Department;
8 42. February 6, 2006, letter Department to Nefouse;
9 43. February 7, 2006, letter Department to Nefouse;
10 44. February 9, 2006, letter Nefouse to Department;
11 45. February 24, 2006, letter Nefouse to Department;
12 46. Notice of appeal;
13 47. Notice of hearing;
14 48. Photos taken on April 13, 2005;
15 49. Photos taken on May 11, 2005;
16 50. Photos take on May 20, 2005;
17 51. Map of the park;
18 52. Letters and faxes with reference to issues relating to
19 Haas v. San Bernardino, supra.

20 FINDINGS OF FACT

21 1. At all times herein mentioned, the Loretz Trust was the
22 owner and operator of the Brentwood Mobile Home Park.

23 2. From July 30, 2004 through the date of the last hearing,
24 Respondent was in violation of §903.2 of the Fire Code, in that
25 there was an inadequate water supply for fire protection as
26 provided through fire hydrants. Said violation constituted a
27 distinct hazard to life or property.

28 3. In 2005, the Chula Vista Fire Marshal rendered an

1 opinion that the violation by Respondent's of Fire Code §903.2
2 constituted a distinct hazard to life or property.

3 4. On October 21, 2005, the Department issued notice of
4 violation with reference to the fire code violation and other
5 violations.

6 5. On January 24, 2006, the Department issued a notice of
7 penalty assessment with reference to the fire code violation.

8 6. On March 3, 2006, Respondent filed a notice of appeal.

9 7. The Department incurred \$3,500.00 in enforcement related
10 costs.

11 8. All notices were properly given.

12 STIPULATED ORDERS

13 Prior to the commencement of the hearing the parties met and
14 conferred and reached stipulations as to some of the issues set
15 forth in the notice of appeal. Reference is made to the
16 Department's inspection report dated August 31, 2005. A copy of
17 the report is attached hereto and incorporated by reference.

18 Report paragraph 1: Not subject to appeal.

19 Report paragraph 2: Not subject to appeal.

20 Report paragraph 3: The appeal is withdrawn based upon a
21 agreement that the bollards will be installed in car ports with
22 electrical upgrades. Hardships will be examined individually.
23 The term "hardship" refers to structures or stairs that would
24 impede an installation of the bollards.

25 Report paragraph 4: The parties stipulate that Respondent is
26 in compliance.

27 Report paragraph 5: Withdrawn by the parties without
28 prejudice.

1 Report paragraphs 6 - 7: The parties stipulate that
2 Respondent is in-compliance.

3 Report paragraph 8: At issue.

4 Report paragraph 9: Respondent will install 17 caps within
5 30 days.

6 DISCUSSION, CONTESTED ISSUES

7 The Fire Marshal has persuasively testified that the water
8 supply to the mobile home park is completely inadequate. There
9 is only one fire hydrant at the entrance to the park for the
10 entire park. The one source of water for fire engines with
11 standard fire hoses will not be able to reach a large number of
12 the building units in the park when attached to the sole source
13 of water. Fire Code §102.1 and Health and Safety Code §18691
14 allow the City to impose current standards on older structures or
15 mobile home parks. Apparently the current mobile home park was
16 constructed some time in the 1950's.

17 If the fire engines and trucks are not able to access all of
18 the units within the park while linked to proper water supply,
19 the fire department will not be able to properly respond or
20 contain a fire. Ms. Loretz testified that during the past 40
21 years, all fires have been properly contained. However, the
22 risks to the park and its residents associated with the current
23 violations is unacceptable. The fire protection system in the
24 park in its current condition is a potential disaster waiting to
25 happen. The current violation therefore constitutes a distinct
26 hazard to life or property.

27 DECISION

28 The assessed civil penalties of \$500.00 per day shall be

1 reduced to \$250/day and shall be assessed and accrue from
2 November 2, 2005 through the date of the last hearing. Assessed
3 civil penalties from November 2, 2005 through April 7, 2006 at
4 \$250/day are \$39,000(\$250 x 156 days). All civil penalties shall
5 continue to accrue until the fire code violations have been
6 corrected. All civil penalties with the exception of \$3,500.00
7 and accruing civil penalties shall be stayed on the following
8 conditions:

9 1. That Brentwood Mobile Home Park pay the sum of \$3,500.00
10 in unstayed civil penalties forthwith;

11 2. Brentwood Mobile Home Park correct the violations of the
12 fire code pursuant to the following schedule:

13 a. Brentwood retain the services of a professional engineer
14 within 30 calendar days of the date of this order;

15 b. Brentwood submit preliminary plans prepared by a
16 professional engineer to the fire marshal within 60 calendar days
17 within the date of this order;

18 c. Brentwood submit for permit to the City of Chula Vista
19 and Sweetwater Authority complete plans for a complete system
20 throughout the park within 30 days of approval of the submitted
21 preliminary plans.

22 d. Subsequent to approval by the City of Chula Vista and
23 Sweetwater Authority, a California licensed contractor shall be
24 hired by Brentwood within 60 days of permit approval and shall
25 commence work within 90 days of permit approval.

26 e. Construction shall be completed and Brentwood shall
27 obtain final inspection approval within 90 days of the
28 commencement of construction.

1 The stay of any civil penalties shall only be lifted upon a
2 duly noticed hearing. The hearing officer shall retain
3 jurisdiction.

4
5 Dated:

April 13, 2006

T.L. Marshall
THOMAS L. MARSHALL
Hearing Officer



FOLLETT INVESTMENT PROPERTIES, INC.

December 13, 2006

Doug Leeper
City of Chula Vista
276 Fourth Avenue, MS B-200
Chula Vista, CA 91910

Re: Brentwood MHP – Construction Timeline

Dear Doug:

Per our prior conversations, we are interested in purchasing Brentwood MHP and understand that in the absence of the park being in compliance at close of escrow (COE) (Estimated to be January 29, 2007) with the Administrative Order and Chula Vista Municipal Code, the City would be willing to discuss a compliance agreement that would allow a new owner reasonable time to obtain bids and permits and commence and complete all required work. As the new owner, we propose the following timeline:

Fire Hydrant Installation

1. 30 days from COE to obtain three (3) bids from California licensed contractors based on the approved plans dated October 5, 2006;
2. 60 days from COE to hire a contractor;
3. 90 days from COE to commence work and
4. 180 days from COE to complete work.

Electrical System Installation

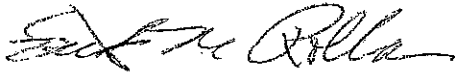
1. 30 days from COE to submit for permit to the City of Chula Vista complete plans for work to be performed in order to bring electrical into code compliance;
2. Subsequent to plan check approval by the City of Chula Vista, Follett shall be provided 30 days to hire a contractor;
3. 45 days from plan check approval to commence work and
4. 12 months or sooner to complete work due to the fact that work will be conducted in phases in coordination with the tenants regarding trench path area and tenant inconvenience.

Asphalt Paving

1. 30 days for completion with work to commence after electrical work requiring street excavation is complete.

Please let me know your thoughts on our proposed timeline. At this stage, until we have new electrical plans from the electrical engineer, it is difficult to break down the electrical work into phases as previously discussed. Victoria Govey, President of Buck Electric who we anticipate using as the contractor for this job, feels comfortable that the 12 month estimate to complete the work is very deliverable and it is likely that they can finish the job sooner. Once again, we appreciate you working with us and hope that you consider our proposal to be reasonable. We at Follett Investment Properties, Inc. look forward to working with you on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik M. Rollain", written in a cursive style.

Erik M. Rollain
Senior Vice President



January 4, 2007

PLANNING & BUILDING DEPARTMENT

RECEIVED
JAN 10 2007

Erik Rollain
Follett Investment Properties
11211 Gold Country Blvd
Suite 100
Gold River CA 95670

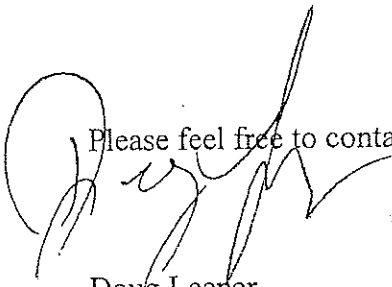
RE: Brentwood Mobile Home Park
1100 Industrial Blvd.
Chula Vista, CA

Mr. Rollain,

Thank you for attending the administrative hearing of December 22nd. I believe you may now have a better understand of the City's position regarding the violations at Brentwood Mobile Home Park. You may not yet be aware that the Administrative Hearing Officer has ordered that the Notice of Violations be recorded with the County Recorder's Office. I don't believe this will have any negative impact on your purchase, as you are currently aware of the uncorrected violations at the location.

As I explained in my original correspondence on December 6, 2006, in the absence of abatement of the violations at the close of escrow the City would be willing to discuss a compliance agreement that would allow a new owner reasonable time to obtain bids and permits, commence and complete all required work. In order for the City to enter into such an agreement we would require that you submit a detailed construction/ compliance plan that would cover the replacement of the park's electrical system AND the installation of a fire protective system (fire hydrants) throughout the park as soon as possible prior to the close of escrow. It is understood that you anticipate escrow to close no later than January 31, 2007.

The information provided in your letter of December 13, 2006 appears reasonable on the surface however you must keep in mind that the fire hydrant installation is a requirement of the Administrative Hearing Officer and any adjustments to that order will have to be approved/ordered by him. That includes the imposition of any fines and/or penalties. Given your experience and good faith efforts to date I can assure you that staff would support reasonable accommodation to complete the work required to bring the property into compliance.



Please feel free to contact me should you have any questions,

Doug Leeper
Code Enforcement Manager
City of Chula Vista
(619) 585-5622

Chicago Title

Order: ff

Comment: f

Tuesday, February 06, 2007 08:57 AM

State	County	Type	Document Information	Pages	Status
CA	San Diego	Document-Year.Do	2007.3102	6	PrintQueued
CA	San Diego	Document-Year.Do	2007.3103	6	PrintQueued
CA	San Diego	Document-Year.Do	2007.3278	5	PrintQueued
CA	San Diego	Document-Year.Do	2007.3279	5	PrintQueued

4700

FOR
OFF
FILE



DOC # 2007-0003102



JAN 03, 2007 11 12 AM

RECORDING REQUESTED BY

CITY OF CHULA VISTA

AND WHEN RECORDED MAIL TO

Department of Planning and Building
Code Enforcement Division
Attention (Don Johnson)
276 Fourth Ave
Chula Vista, CA 91910

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J SMITH COUNTY RECORDER
FEES 0.00
PAGES 6



2007-0003102

SPACE ABOVE THIS LINE FOR RECORDING USE ONLY

RECORDED NOTICE OF VIOLATION

PROPERTY 1100 Industrial Avenue, Chula Vista 91911
APN 618-200-02-00

OWNER HALL TRUST 03-02-00*NSNS10/40#FISH LEON H TR*CON
P O BOX 3201
YOUNTVILLE CA 94599

Pursuant to the provisions of the Chula Vista Municipal Code § 141 040, the City of Chula Vista is hereby recording this notice, as a public record that the above-identified real property within the City of Chula Vista more specifically described as that portion of lots 14 and 15 in Block 'B' of Harborside Unit No. 2, according to Map thereof No. 2119, filed in the office of the County Recorder of San Diego County, July 9, 1928, and all those portions of Quarter Sections 166 and 168 of Rancho de la Nacion, according to map thereof No. 166, filed in the office of the County Recorder of said San Diego County included within that portion of land excluded from said Harborside Unit No. 2, Map No. 2119, by Superior Court decree a certified copy of which was recorded December 23 1957 in Book 6881 page 79 of Official Records TOGETHER WITH those portions of of the alleys and of Crested Butte Street, Naples Street, Queen Ann Drive, Trenton Avenue and Walnut Avenue in said Harborside Unit No. 2 as closed to public use by Resolution of the Board of Supervisors of said San Diego County, recorded March 18, 1958 in Book 6997, page 579 of Official Records, all being in the County of San Diego, State of California is not in compliance with the provisions of the Chula Vista Municipal Code. A copy of the Notice of Violation is attached.

Pursuant to Chula Vista Municipal Code § 141 050, no building permit or any other development permit shall be issued, nor any approval granted that is necessary to further develop said property unless and until there has been full compliance with the Chula Vista Municipal Code, except those permits necessary to correct the subject violation and /or to correct a life/safety problem. The recorded Notice of Violation will be released by the recording of a Notice of Compliance upon correction of the violation and payment of all fees and costs that have accrued in this matter.

Date January 3, 2007

Case # HI05-0745

DEPARTMENT OF PLANNING AND BUILDING
JIM SANDOVAL, DIRECTOR

BY

Doug Leeper
Code Enforcement Manager

CITY OF CHULA VISTA

4701



PLANNING AND BUILDING DEPARTMENT
 BUILDING DEPARTMENT
 276 FOURTH AVENUE CHULA VISTA, CA 91910
 PHONE NO.: (619) 691-5280 FAX NO: (619) 585-5681

MOBILE HOME PARK NOTICE OF VIOLATION *First Notice* *X Final Notice*

Notice Date: 11/02/2005 Violation Date(s): 8/31/2005 Case Number: HI05-0745

Mobile Home Park Name BRENTWOOD MOBILE HOME PARK

Space Number / Location: PARKWIDE

Occupant Name: BRENTWOOD MOBILE HOME PARK

Owner/Manager/Employee Name & Address: HALL TRUST 03-02-00*NSNS10/40#FISH LEON H TR*CON
P O BOX 3201 YOUNTVILLE CA 94599

You are hereby notified the violations itemized in the enclosed letter dated October 21, 2005, were not corrected within the timeframes required by the Notice of Violation dated August 31, 2005. You are required to correct the items listed in the letter dated October 21, 2005.

In the event you fail to correct the violations itemized in the letter dated October 21, 2005, within the days listed, you will be charged with a misdemeanor, punishable by a fine not exceeding \$400 or by imprisonment not exceeding 30 days, or both, and the City Of Chula Vista may bring a civil action in Superior Court of the County of San Diego per section 18700 of the California Health and Safety Code. You have the right to request a conference per Section 18421.

If you fail to comply with the schedule identified above and within the inspection report, further enforcement action will be taken which may result in the assessment of full cost recovery and/or other related fines or penalties as authorized by CVMC Sec. 1.41.060 which is printed on attachments to this Notice. These charges will include all personnel costs for time spent conducting investigations, enforcement, and remediation or abatement of the violation as described in CVMC Section 1.41.140 which is printed on attachments to this Notice. The City will bill the responsible person(s) for these costs, and if the costs are not paid, the City may seek payment by placing a lien against the property or by assessing the costs in the same manner as municipal taxes.

Contact the City Code Enforcement Officer listed below at (619) 409-3844 if you have any questions concerning this matter.

Don Johnson AIA
 Senior Code Enforcement Officer

(Note see reverse side of this Notice and attachments)

PLEASE TAKE THIS NOTICE WITH YOU WHEN APPLYING FOR PERMITS

Building and planning permits may be applied for at the building counter or planning counter at 276 fourth avenue, Chula Vista CA. Please telephone (619) 691-5272 for general information about getting the required permits and/or (619) 585-5621 for zoning and sign permit information.

18421. If the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome disputes a determination by the enforcement agency regarding the alleged violation, the alleged failure to correct the violation in the required timeframe, or the reasonableness of the deadline for correction specified by the Final Notice of Violation, the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome may request, in writing, a hearing pursuant to CCR Title 25 Section 1613, or within ten (10) days of the date of this Final Notice may request, in writing, an informal conference with the enforcement agency per CCR Title 25 Section 1752. The informal conference, and any subsequent hearings or appeals of the decision of the enforcement agency, shall be conducted in accordance with procedures prescribed by the department.

FAILURE TO COMPLY WITH THIS NOTICE OF VIOLATION MAY RESULT IN ANY ONE OR A COMBINATION OF THE FOLLOWING ENFORCEMENT ACTIONS

18700. Any person who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding four hundred dollars (\$400) or by imprisonment not exceeding 30 days, or by both such fine and imprisonment

Any permitholder who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part, shall be liable for a civil penalty of five hundred dollars (\$500) for each violation or for each day of a continuing violation. The enforcement agency shall institute or maintain an action in the appropriate court to collect any civil penalty arising under this section.

Title 25 Chapter 2 Subchapter 1 Article 10 1617 Consequences of Failure to Abate.

(a) It is unlawful for the person ordered to abate a violation to fail to or refuse to remove and abate that violation within the time period allowed in the order after the date of posting of an order on the cited unit, structure, or property or receipt of an order. After the expiration of the time period allowed for an order related to a violation, the enforcement agency has the authority to initiate any appropriate action or proceeding to abate the violation, including but not limited to seeking a court order for abatement by a receiver or other person

Title 25 Chapter 2 Subchapter 1 Article 10 1618 Responsibility for Costs

(a) The registered owner of the unit, or any other cited person or entity that fails to correct a violation within the time allotted in the original correction order, or any extension thereto, shall be held responsible for the costs of abatement of the violation. Costs of abatement, for purposes of this section, may include the enforcement agency's investigative and case preparation costs, court costs and attorney fees, the cost associated with any physical actions taken to abate the violation, and any technical service or other fees due to the enforcement agency related to the abatement activity



PLANNING & BUILDING DEPARTMENT

INSPECTION REPORT

August 31, 2005

(Note: Strikeouts have been corrected as of October 21, 2005, Italics added October 21, 2005)

1. Throughout the park, the electrical pedestals and panels are in a state of disrepair, are not properly grounded, have parts missing or badly corroded, and are at distances in excess of 4 feet from the mobile home. Due to the lack of maintenance, the circuit may be interrupted to the neutral, causing serious voltage spikes in the homes, damaging appliances and creating a dangerous condition for the occupants.

As a result of the above defects, the electrical system is declared substandard. The electrical system must be replaced to current standards. CCR Title 25 Article 3 Section 1130 (b), Article 10 Section 1605(d)(1).

2. ~~Gas lines and regulators at 13 locations along roadways throughout the park have no, or insufficient, protection from impact. 4" diameter steel bollards 6 feet long, filled with concrete set in 12" min. diameter concrete footings must be installed at each location to provide complete protection (minimum of 2 bollards per location). CCR Title 25 Article 4 Section 1228. This item has been corrected as of October 21, 2005.~~

3. Gas meters, electrical and water connections in carports are unprotected from impact. Bollards must be installed at each exposed utility location. CCR Title 25 Article 3 Section 1178, Article 4 Section 1228, and Article 5 Section 1280.

4. Cabinets and pedestals for telephone and cable television are in a substantial state of disrepair and deterioration, and are declared substandard. New, all weather enclosures must be installed, wiring must be properly contained and all connecting blocks and mechanisms must be properly mounted and protected from weather. CCR Title 25 Article 3 Section 1170.

5. Deteriorated roads and driveways must be patched and re-surfaced. Driveways and yards at mobile homes must be filled and sloped to drain away from home to prevent water accumulation in driveway and under home. Surfacing must conform to Fire Department Standards. CCR Title 25 Article 2 Section 1116 and 2001 California Fire Code Part III Article 9 Section 902 2.2.2.

6. Trash pickup service is insufficient and declared substandard. Frequency of pickup or quantity of containers must be approximately doubled to provide sufficient capacity to keep lids of containers tightly closed and prevent spillage outside of bins between pickup cycles. Curbside service may be a better alternative for residents. CCR Title 25 Article 2 Section 1120

(d), and Article 10 Section 1605(a)(8).

7. ~~Board and Secure abandoned mobile home in space D 41 against entry or remove from park. This home is declared substandard and a public nuisance. Remove illegal additions and storage units CCR Title 25 Article 10 Section 1606(a)(6), California Civil Code Sections 3479 and 3480. This item has been corrected as of October 21, 2005.~~

8 All items in Fire Department Inspection Report dated 7/30/2004 must be corrected CCR Title 25 Article 10 Section 1605(h).

9 All cast iron hubs at sewer connections are deteriorated to the point they are no longer able to provide a positive seal, are declared substandard and shall be replaced with new. Entire sewer drain line system is to be inspected by camera for condition, and report submitted to Code Enforcement for review CCR Title 25 Article 5 Section 1254(b),(c).

The following timeframes to correct Final Notice of Violation HI05-0745 are in effect:

a. Brentwood Mobile Home Park must design, permit, and replace the electrical distribution system to the individual spaces throughout the park and must retain the services of a California Licensed Electrical Engineer to provide design and plans for permit.

b. Brentwood is required to retain the services of a California Licensed Professional Electrical Engineer who shall submit preliminary plans prepared by a California Licensed Professional Engineer to the Building Department within 14 calendar days of the date of Final Notice of Violation, and submit for permit to the City of Chula Vista complete plans for a complete system throughout the park within 14 calendar days of approval of the submitted preliminary plan.

c. Subsequent to approval by the City of Chula Vista, a California Licensed Electrical Contractor shall be hired by Brentwood within 30 calendar days of permit approval, and shall commence work within 45 calendar days of permit approval. Construction shall continue uninterrupted until completion and final inspection approval have been accomplished.

d. 4" diameter steel bollards 6 feet long, filled with concrete must be installed at each of the 13 roadside locations within 30 calendar days from the date of Notice of Violation.

e. Bollards at gas meters, electrical and water connections in all carports must be installed at each exposed utility location within 60 calendar days of the date of this Notice of Violation.

f. Cabinets and pedestals for telephone and cable television must be installed, wiring must be properly contained and all connecting blocks and mechanisms must be properly mounted and protected from weather within 45 days of the date of this Final Notice of Violation.

g. Deteriorated roads and driveways must be patched and re-surfaced, driveways and yards at mobile homes must be filled and sloped to drain away from home within 90 calendar days of completion of installation and final inspection of fire protection system.

h. Trash pickup service frequency of pickup or quantity of containers must be ~~appropriately increased approximately doubled~~ within 14 calendar days of the date of this Notice of Violation.

~~Board and Secure abandoned mobile home in space D 41 against entry or remove~~

4705

~~from park and remove illegal additions and storage units within 14 calendar days of the date of this Notice of Violation. This item has been corrected as of October 21, 2005.~~

)} All items in Fire Department Inspection Report dated 7/30/2004 must be corrected within 45 calendar days of the date of this Final Notice of Violation, with the exception of the installation of the fire protection system referenced in Final Notice of Violation HI05-0225 (Fire Protection), which must be completed within the timeframes mentioned in that Final Notice of Violation

k. All cast iron hubs at sewer connections are deteriorated to the point they are no longer able to provide a positive seal, and shall be replaced with new. Entire sewer drain line system is to be inspected by camera for condition, and report submitted to Code Enforcement for review within 60 calendar days of the date of this Final Notice of Violation.

4706



CITY OF
CHULA
VISTA

DOC # 2007-0003103



JAN 03, 2007 11 12 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGOR, J SMITH COUNTY RECORDER
FEES 0.00
PAGES 6



2007-0003103

RECORDING REQUESTED BY

CITY OF CHULA VISTA

AND WHEN RECORDED MAIL TO

Department of Planning and Building
Code Enforcement Division
Attention (Don Johnson)
276 Fourth Ave
Chula Vista, CA 91910

SPACE ABOVE THIS LINE FOR RECORDING USE ONLY

RECORDED NOTICE OF VIOLATION

PROPERTY 1100 Industrial Avenue, Chula Vista 91911
APN 618-200-01-00

OWNER HALL TRUST 03-02-00*NSNS10/40#FISH LEON H TR*CON
P O BOX 3201
YOUNTVILLE CA 94599

Pursuant to the provisions of the Chula Vista Municipal Code § 1 41 040, the City of Chula Vista is hereby recording (this notice as a public record that the above-identified real property within the City of Chula Vista more specifically described as that portion of lots 14 and 15 in Block B' of Harborside Unit No 2, according to Map thereof No 2119, filed in the office of the County Recorder of San Diego County, July 9, 1928, and all those portions of Quarter Sections 166 and 168 of Rancho de la Nacion, according to map thereof, No 166, filed in the office of the County Recorder of said San Diego County, included within that portion of land excluded from said Harborside Unit No 2, Map No 2119, by Superior Court decree a certified copy of which was recorded December 23, 1957 in Book 6881, page 79 of Official Records, TOGETHER WITH those portions of the alleys and of Crested Butte Street, Naples Street, Queen Ann Drive, Trenton Avenue and Walnut Avenue in said Harborside Unit No 2 as closed to public use by Resolution of the Board of Supervisors of said San Diego County, recorded March 18 1958 in Book 6997, page 579 of Official Records, all being in the County of San Diego, State of California, is not in compliance with the provisions of the Chula Vista Municipal Code A copy of the Notice of Violation is attached

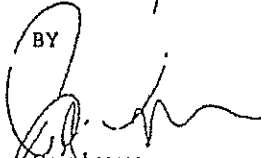
Pursuant to Chula Vista Municipal Code § 1 41 050, no building permit or any other development permit shall be issued nor any approval granted that is necessary to further develop said property unless and until there has been full compliance with the Chula Vista Municipal Code, except those permits necessary to correct the subject violation and /or to correct a life/safety problem The recorded Notice of Violation will be released by the recording of a Notice of Compliance upon correction of the violation and payment of all fees and costs that have occurred in this matter

Date January 3, 2007

Case # HI05-0745

DEPARTMENT OF PLANNING AND BUILDING
JIM SANDOVAL, DIRECTOR

BY


Doug Leeper
Code Enforcement Manager

CITY OF CHULA VISTA



PLANNING AND BUILDING DEPARTMENT
BUILDING DEPARTMENT
276 FOURTH AVENUE CHULA VISTA, CA 91910
PHONE NO: (619) 691-5280 FAX NO: (619) 585-5681

4707

MOBILE HOME PARK NOTICE OF VIOLATION *First Notice* *X Final Notice*

Notice Date 11/02/2005 Violation Date(s): 8/31/2005 Case Number: HI05-0745
Mobile Home Park Name: BRENTWOOD MOBILE HOME PARK
Space Number / Location: PARKWIDE
Occupant Name: BRENTWOOD MOBILE HOME PARK
Owner/Manager/Employee Name & Address: HALL TRUST 03-02-00*NSNS10/40#FISH LEON H TR*CON
P O BOX 3201 YOUNTVILLE CA 94599

You are hereby notified the violations itemized in the enclosed letter dated October 21, 2005, were not corrected within the timeframes required by the Notice of Violation dated August 31, 2005. You are required to correct the items listed in the letter dated October 21, 2005.

In the event you fail to correct the violations itemized in the letter dated October 21, 2005, within the days listed, you will be charged with a misdemeanor, punishable by a fine not exceeding \$400 or by imprisonment not exceeding 30 days, or both, and the City Of Chula Vista may bring a civil action in Superior Court of the County of San Diego per section 18700 of the California Health and Safety Code. You have the right to request a conference per Section 18421.

If you fail to comply with the schedule identified above and within the inspection report, further enforcement action will be taken which may result in the assessment of full cost recovery and/or other related fines or penalties as authorized by CVMC Sec. 1.41.060 which is printed on attachments to this Notice. These charges will include all personnel costs for time spent conducting investigations, enforcement, and remediation or abatement of the violation as described in CVMC Section 1.41.140 which is printed on attachments to this Notice. The City will bill the responsible person(s) for these costs, and if the costs are not paid, the City may seek payment by placing a lien against the property or by assessing the costs in the same manner as municipal taxes.

Contact the City Code Enforcement Officer listed below at (619) 409-3844 if you have any questions concerning this matter.

Don Johnson AIA
Senior Code Enforcement Officer

(Note: see reverse side of this Notice and attachments)

PLEASE TAKE THIS NOTICE WITH YOU WHEN APPLYING FOR PERMITS

Building and planning permits may be applied for at the building counter or planning counter at 276 fourth avenue, Chula Vista CA. Please telephone (619) 691-5272 for general information about getting the required permits and/or (619) 585-5621 for zoning and sign permit information.

18421 If the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome disputes a determination by the enforcement agency regarding the alleged violation, the alleged failure to correct the violation in the required timeframe, or the reasonableness of the deadline for correction specified by the Final Notice of Violation, the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome may request, in writing, a hearing pursuant to CCR Title 25 Section 1613, or within ten (10) days of the date of this Final Notice may request, in writing, an informal conference with the enforcement agency per CCR Title 25 Section 1752. The informal conference, and any subsequent hearings or appeals of the decision of the enforcement agency, shall be conducted in accordance with procedures prescribed by the department.

FAILURE TO COMPLY WITH THIS NOTICE OF VIOLATION MAY RESULT IN ANY ONE OR A COMBINATION OF THE FOLLOWING ENFORCEMENT ACTIONS.

18700. Any person who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding four hundred dollars (\$400) or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

Any permitholder who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part, shall be liable for a civil penalty of five hundred dollars (\$500) for each violation or for each day of a continuing violation. The enforcement agency shall institute or maintain an action in the appropriate court to collect any civil penalty arising under this section

Title 25 Chapter 2 Subchapter 1 Article 10 1617 Consequences of Failure to Abate.

(a) It is unlawful for the person ordered to abate a violation to fail to or refuse to remove and abate that violation within the time period allowed in the order after the date of posting of an order on the cited unit, structure, or property or receipt of an order. After the expiration of the time period allowed for an order related to a violation, the enforcement agency has the authority to initiate any appropriate action or proceeding to abate the violation, including but not limited to seeking a court order for abatement by a receiver or other person

Title 25 Chapter 2 Subchapter 1 Article 10 1618 Responsibility for Costs

(a) The registered owner of the unit, or any other cited person or entity that fails to correct a violation within the time allotted in the original correction order, or any extension thereto, shall be held responsible for the costs of abatement of the violation. Costs of abatement, for purposes of this section, may include the enforcement agency's investigative and case preparation costs, court costs and attorney fees, the cost associated with any physical actions taken to abate the violation, and any technical service or other fees due to the enforcement agency related to the abatement activity



PLANNING & BUILDING DEPARTMENT

INSPECTION REPORT

August 31, 2005

(Note: Strikeouts have been corrected as of October 21, 2005, Italics added October 21, 2005)

1. Throughout the park, the electrical pedestals and panels are in a state of disrepair, are not properly grounded, have parts missing or badly corroded, and are at distances in excess of 4 feet from the mobile home. Due to the lack of maintenance, the circuit may be interrupted to the neutral, causing serious voltage spikes in the homes, damaging appliances and creating a dangerous condition for the occupants.

As a result of the above defects, the electrical system is declared substandard. The electrical system must be replaced to current standards. CCR Title 25 Article 3 Section 1130 (b), Article 10 Section 1605(d)(1).

2. ~~Gas lines and regulators at 13 locations along roadways throughout the park have no, or insufficient, protection from impact. 4" diameter steel bollards 6 feet long, filled with concrete set in 12" min. diameter concrete footings must be installed at each location to provide complete protection (minimum of 2 bollards per location) CCR Title 25 Article 4 Section 1228.~~
This item has been corrected as of October 21, 2005.

3. Gas meters, electrical and water connections in carports are unprotected from impact. Bollards must be installed at each exposed utility location. CCR Title 25 Article 3 Section 1178, Article 4 Section 1228, and Article 5 Section 1280.

4. Cabinets and pedestals for telephone and cable television are in a substantial state of disrepair and deterioration, and are declared substandard. New, all weather enclosures must be installed, wiring must be properly contained and all connecting blocks and mechanisms must be properly mounted and protected from weather. CCR Title 25 Article 3 Section 1170.

5. Deteriorated roads and driveways must be patched and re-surfaced. Driveways and yards at mobile homes must be filled and sloped to drain away from home to prevent water accumulation in driveway and under home. Surfacing must conform to Fire Department Standards. CCR Title 25 Article 2 Section 1116 and 2001 California Fire Code Part III Article 9 Section 902 2.2.2.

6. Trash pickup service is insufficient and declared substandard. Frequency of pickup or quantity of containers must be approximately doubled to provide sufficient capacity to keep lids of containers tightly closed and prevent spillage outside of bins between pickup cycles. Curbside service may be a better alternative for residents. CCR Title 25 Article 2 Section 1120

(d), and Article 10 Section 1605(a)(8).

7. ~~Board and Secure abandoned mobile home in space D-41 against entry or remove from park. This home is declared substandard and a public nuisance. Remove illegal additions and storage units. CCR Title 25 Article 10 Section 1606(a)(6), California Civil Code Sections 3479 and 3480. This item has been corrected as of October 21, 2005.~~

8. All items in Fire Department Inspection Report dated 7/30/2004 must be corrected. CCR Title 25 Article 10 Section 1605(h).

9. All cast iron hubs at sewer connections are deteriorated to the point they are no longer able to provide a positive seal, are declared substandard and shall be replaced with new. Entire sewer drain line system is to be inspected by camera for condition, and report submitted to Code Enforcement for review. CCR Title 25 Article 5 Section 1254(b),(c).

The following timeframes to correct Final Notice of Violation HI05-0745 are in effect:

a. Brentwood Mobile Home Park must design, permit, and replace the electrical distribution system to the individual spaces throughout the park and must retain the services of a California Licensed Electrical Engineer to provide design and plans for permit.

b. Brentwood is required to retain the services of a California Licensed Professional Electrical Engineer who shall submit preliminary plans prepared by a California Licensed Professional Engineer to the Building Department within 14 calendar days of the date of Final Notice of Violation, and submit for permit to the City of Chula Vista complete plans for a complete system throughout the park within 14 calendar days of approval of the submitted preliminary plan.

c. Subsequent to approval by the City of Chula Vista, a California Licensed Electrical Contractor shall be hired by Brentwood within 30 calendar days of permit approval, and shall commence work within 45 calendar days of permit approval. Construction shall continue uninterrupted until completion and final inspection approval have been accomplished.

d. 4" diameter steel bollards 8 feet long, filled with concrete must be installed at each of the 13 roadside locations within 30 calendar days from the date of Notice of Violation.

e. Bollards at gas meters, electrical and water connections in all carports must be installed at each exposed utility location within 60 calendar days of the date of this Notice of Violation.

f. Cabinets and pedestals for telephone and cable television must be installed, wiring must be properly contained and all connecting blocks and mechanisms must be properly mounted and protected from weather within 45 days of the date of this Final Notice of Violation.

g. Deteriorated roads and driveways must be patched and re-surfaced, driveways and yards at mobile homes must be filled and sloped to drain away from home within 90 calendar days of completion of installation and final inspection of fire protection system.

h. Trash pickup service frequency of pickup or quantity of containers must be ~~appropriately increased approximately doubled~~ within 14 calendar days of the date of this Notice of Violation.

i. ~~Board and Secure abandoned mobile home in space D-41 against entry or remove~~

4711

~~from park and remove illegal additions and storage units within 14 calendar days of the date of this Notice of Violation. This item has been corrected as of October 21, 2005~~

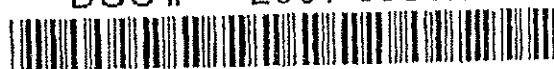
All items in Fire Department Inspection Report dated 7/30/2004 must be corrected within 45 calendar days of the date of this Final Notice of Violation, with the exception of the installation of the fire protection system referenced in Final Notice of Violation HI05-0225 (Fire Protection), which must be completed within the timeframes mentioned in that Final Notice of Violation.

k. All cast iron hubs at sewer connections are deteriorated to the point they are no longer able to provide a positive seal, and shall be replaced with new. Entire sewer drain line system is to be inspected by camera for condition, and report submitted to Code Enforcement for review within 60 calendar days of the date of this Final Notice of Violation.

5725

18
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DOC # 2007-0003278



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OFFICIAL RECORDS
 SAN DIEGO COUNTY RECORDER'S OFFICE
 GREGORY J. SMITH COUNTY RECORDER
 FEES 0.00
 PAGES 5



2007-0003278

SPACE ABOVE THIS LINE FOR RECORDING USE ONLY

RECORDED NOTICE OF VIOLATION

PROPERTY 1100 Industrial Avenue, Chula Vista 91911
 APN 618-200-01-00

OWNER HALL TRUST 03-02-00*NSNS10/40#FISH LEON H TR*CON
 P O BOX 3201
 YOUNTVILLE CA 94599

Pursuant to the provisions of the Chula Vista Municipal Code § 141 040, the City of Chula Vista is hereby recording this notice as a public record, that the above-identified real property within the City of Chula Vista more specifically described as that portion of lots 14 and 15 in Block 'B' of Harborside Unit No. 2, according to Map thereof No. 2119, filed in the office of the County Recorder of San Diego County July 9, 1928, and all those portions of Quarter Sections 166 and 168 of Rancho de la Nacion according to map thereof, No. 166, filed in the office of the County Recorder of said San Diego County included within that portion of land excluded from said Harborside Unit No. 2, Map No. 2119 by Superior Court decree, a certified copy of which was recorded December 23, 1957 in Book 6881, page 79 of Official Records, TOGETHER WITH those portions of the alleys and of Crested Butte Street, Naples Street, Queen Ann Drive, Trenton Avenue and Walnut Avenue in said Harborside Unit No. 2 as closed to public use by Resolution of the Board of Supervisors of said San Diego County, recorded March 18 1958 in Book 6997, page 579 of Official Records, all being in the County of San Diego, State of California, is not in compliance with the provisions of the Chula Vista Municipal Code. A copy of the Notice of Violation is attached.

Pursuant to Chula Vista Municipal Code § 141 050, no building permit or any other development permit shall be issued nor any approval granted that is necessary to further develop said property unless and until there has been full compliance with the Chula Vista Municipal Code, except those permits necessary to correct the subject violation and/or to correct a life/safety problem. The recorded Notice of Violation will be released by the recording of a Notice of Compliance upon correction of the violation and payment of all fees and costs that have accrued in this matter.

Date January 3, 2007

Case # HI05-0225

DEPARTMENT OF PLANNING AND BUILDING
 JIM SANDOVAL, DIRECTOR

BY

Doug Kasper
 Code Enforcement Manager

CITY OF CHULA VISTA



PLANNING AND BUILDING DEPARTMENT
BUILDING DEPARTMENT
276 FOURTH AVENUE CHULA VISTA, CA 91910
PHONE NO: (619) 691-5280 FAX NO. (619) 585-5681

5726

MOBILE HOME PARK NOTICE OF VIOLATION

Final Notice

Notice Date: 11/02/2005 Violation Date(s): 6/30/2005 Case Number: HI05-0225
(Fire Protection)
Mobile Home Park Name: BRENTWOOD MOBILE HOME PARK
Space Number / Location: PARKWIDE
Occupant Name: BRENTWOOD MOBILE HOME PARK
Owner/Manager/Employee Name & Address: HALL TRUST 03-02-00*NSNS10/40#FISH LEON H TR*CON
P O BOX 3201 YOUNTVILLE CA 94599

You are hereby notified the following violation(s) (must be/have not been) corrected.

Violation 2001 California Fire Code and Title 25, Mobile Home Parks Act

Lack of Fire Protection throughout park 2001 CFC Section 903. Park has been declared substandard per CCR 25 1608.

Comments/Corrective Action

Provide complete, approved fire protection system per 2001 California Fire Code, Sweetwater Authority Standards and NFPA 24.

The above violation must be corrected within the number of specific days included in letter dated July 25, 2005. In the event you fail to correct the above violations by the date listed, you will be charged with a misdemeanor, punishable by a fine not exceeding \$400 or by imprisonment not exceeding 30 days, or both, and the City Of Chula Vista may bring a civil action in Superior Court of the County of San Diego per section 18700 of the California Health and Safety Code. You have the right to request a conference per Section 18421.

Contact the City Code Enforcement Officer listed below at (619) 691-5272 extension 3704 if you have any questions concerning this matter.

Don Johnson AIA
Senior Code Enforcement Officer

(Note, see reverse side of this Notice)

PLEASE TAKE THIS NOTICE WITH YOU WHEN APPLYING FOR PERMITS

Building and planning permits may be applied for at the building counter or planning counter at 276 fourth avenue, Chula Vista CA. Please telephone (619) 691-5272 for general information about getting the required permits and/or (619) 585-5621 for zoning and sign permit information.

18421. If the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome disputes a determination by the enforcement agency regarding the alleged violation, the alleged failure to correct the violation in the required timeframe, or the reasonableness of the deadline for correction specified by the Final Notice of Violation, the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome may request, in writing, a hearing pursuant to CCR Title 25 Section 1613, or within ten (10) days of the date of this Final Notice may request, in writing, an informal conference with the enforcement agency per CCR Title 25 Section 1752. The informal conference, and any subsequent hearings or appeals of the decision of the enforcement agency, shall be conducted in accordance with procedures prescribed by the department.

FAILURE TO COMPLY WITH THIS NOTICE OF VIOLATION MAY RESULT IN ANY ONE OR A COMBINATION OF THE FOLLOWING ENFORCEMENT ACTIONS.

18700 Any person who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding four hundred dollars (\$400) or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

Any permitholder who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part, shall be liable for a civil penalty of five hundred dollars (\$500) for each violation or for each day of a continuing violation. The enforcement agency shall institute or maintain an action in the appropriate court to collect any civil penalty arising under this section

Title 25 Chapter 2 Subchapter 1 Article 10 1617 Consequences of Failure to Abate.

(a) It is unlawful for the person ordered to abate a violation to fail to or refuse to remove and abate that violation within the time period allowed in the order after the date of posting of an order on the cited unit, structure, or property or receipt of an order. After the expiration of the time period allowed for an order related to a violation, the enforcement agency has the authority to initiate any appropriate action or proceeding to abate the violation, including but not limited to seeking a court order for abatement by a receiver or other person

Title 25 Chapter 2 Subchapter 1 Article 10 1618 Responsibility for Costs

(a) The registered owner of the unit, or any other cited person or entity that fails to correct a violation within the time allotted in the original correction order, or any extension thereto, shall be held responsible for the costs of abatement of the violation. Costs of abatement, for purposes of this section, may include the enforcement agency's investigative and case preparation costs, court costs and attorney fees, the cost associated with any physical actions taken to abate the violation, and any technical service or other fees due to the enforcement agency related to the abatement activity



5728

PLANNING & BUILDING DEPARTMENT

July 25, 2005

Brentwood Mobile Home Park
Attn: Manager
1100 Industrial Blvd.
Chula Vista CA 91910

Subject: Notice of Violation for lack of Fire Protection

An inspection of your mobile home park (Brentwood) is in the process, and the following item has been encountered that has raised a serious concern. The lack of fire protection throughout the park is in violation of the 2001 California Fire Code, Section 903, State of California Title 25 Mobile Home Parks Act, Article 10, Section 1608, and the park has been declared substandard as a result.

Attached is a Final Notice of Violation, Number HI05-0225 (Fire protection), which specifies the lack of fire protection for Brentwood. This Notice does not include other violations throughout the park, as, to date, the extent of the other violations has not been determined. A subsequent Notice of Violation will be issued for those violations.

In order to satisfy the minimum fire protection requirements a water supply sufficient to support fire suppression apparatus must be installed. This includes, but is not limited to, the installation of a significant number of hydrants throughout the park.

The following timeframes to correct Final Notice of Violation HI05-0255 (Fire Protection) are in effect.

1 The Fire Marshal requires Brentwood to design (using a California Registered, Licensed Professional Engineer), permit, install, inspect and maintain a full fire protection system throughout the park. The specific codes imposed by the Fire Marshal are the 2001 California Fire Code, the Sweetwater Authority Standards and current NFPA 24 Standards for underground piping.

2 Brentwood is required to retain the services of a Professional Engineer within 10 calendar days of the date of Final Notice of Violation, submit preliminary plans prepared by a Professional Engineer to the Fire Marshal within 34 calendar days of the date of Final Notice of Violation, and submit for permit to the City of Chula Vista and the Sweetwater Authority complete plans.

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Chula Vista, CA 91910


PRIDE
AT WORK
www.chulavista.gov

5729

for a complete system throughout the park within 14 calendar days of approval of the submitted preliminary plan

3 Subsequent to approval by the City of Chula Vista and the Sweetwater Authority, a California Licensed Contractor shall be hired by Brentwood within 30 calendar days of permit approval, and shall commence work within 45 calendar days of permit approval. Construction shall continue uninterrupted until completion and final inspection approval have been accomplished.

In the event the listed timeframes are not met, the City of Chula Vista will take other administrative, civil and/or criminal action to facilitate compliance with the listed minimum fire suppression requirements.

Your prompt assistance in addressing this issue will be greatly appreciated. I can be reached at (619) 691-5272 ext 3704.

Sincerely,



Don Johnson AIA
Senior Code Enforcement Officer

Attachments

CFC Section 903
CCR Title 25 Section 1608
Final Notice of Violation HI05-0225 (Fire Protection)

Cc: Jim Sandoval, Director of Building & Planning
Brad Remp, Chief Building Official, Assistant Director of Building
Justin Gipson, Fire Marshal

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CITY OF CHULA VISTA

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DOC # 2007-0003279



JAN 03, 2007 11 51 AM

OFFICIAL RECORDS
 SAN DIEGO COUNTY RECORDER'S OFFICE
 GREGORY J SMITH COUNTY RECORDER
 FEES 0.00
 PAGES 5



2007-0003279

RECORDING REQUESTED BY

CITY OF CHULA VISTA

AND WHEN RECORDED MAIL TO

Department of Planning and Building
 Code Enforcement Division
 Attention (Don Johnson)
 276 Fourth Ave
 Chula Vista, CA 91910

SPACE ABOVE THIS LINE FOR RECORDING USE ONLY

RECORDED NOTICE OF VIOLATION

PROPERTY 1100 Industrial Avenue, Chula Vista 91911
 APN 618-200-02-00

OWNER HALL TRUST 03-02-00*NSNS10/40#FISH LEON H TR*CON
 P O BOX 3201
 YOUNTVILLE CA 94599

Pursuant to the provisions of the Chula Vista Municipal Code § 141 040 the City of Chula Vista is hereby recording this notice, as a public record that the above-identified real property within the City of Chula Vista more specifically described as that portion of lots 14 and 15 in Block "B" of Harborside Unit No 2, according to Map thereof No 2119, filed in the office of the County Recorder of San Diego County, July 9, 1928, and all those portions of Quarter Sections 166 and 168 of Rancho de la Nacion, according to map thereof, No 166, filed in the office of the County Recorder of said San Diego County, included within that portion of land excluded from said Harborside Unit No 2, Map No 2119, by Superior Court decree, a certified copy of which was recorded December 23, 1957 in Book 6881, page 79 of Official Records, TOGETHER WITH those portions of of the alleys and of Crested Butte Street, Naples Street Queen Ann Drive Ironton Avenue and Walnut Avenue in said Harborside Unit No 2 as closed to public use by Resolution of the Board of Supervisors of said San Diego County, recorded March 18, 1958 in Book 6997, page 579 of Official Records, all being in the County of San Diego, State of California, is not in compliance with the provisions of the Chula Vista Municipal Code A copy of the Notice of Violation is attached

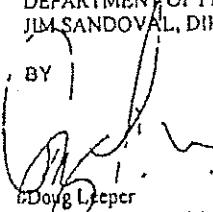
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Date January 3 2007

Case # H105-0225

DEPARTMENT OF PLANNING AND BUILDING
 JIM SANDOVAL, DIRECTOR

BY


 Doug Leeper
 Code Enforcement Manager

CITY OF CHULA VISTA



PLANNING AND BUILDING DEPARTMENT
BUILDING DEPARTMENT
276 FOURTH AVENUE CHULA VISTA, CA 91910
PHONE NO: (619) 691-5280 FAX NO: (619) 585-5681

5731

MOBILE HOME PARK NOTICE OF VIOLATION

Final Notice

Notice Date: 11/02/2005 Violation Date(s): 6/30/2005 Case Number: HI05-0225
(Fire Protection)
Mobile Home Park Name: BRENTWOOD MOBILE HOME PARK
Space Number / Location: PARKWIDE
Occupant Name: BRENTWOOD MOBILE HOME PARK
Owner/Manager/Employee Name & Address: HALL TRUST 03-02-00*NSNS10/40#FISH LEON H TR*CON
P O BOX 3201 YOUNTVILLE CA 94599

You are hereby notified the following violation(s) (must be/have not been) corrected.

Violation 2001 California Fire Code and Title 25, Mobile Home Parks Act

Lack of Fire Protection throughout park 2001 CFC Section 903. Park has been declared substandard per CCR 25 1608.

Comments/Corrective Action

Provide complete, approved fire protection system per 2001 California Fire Code, Sweetwater Authority Standards and NFPA 24.

The above violation must be corrected within the number of specific days included in letter dated July 25, 2005. In the event you fail to correct the above violations by the date listed, you will be charged with a misdemeanor, punishable by a fine not exceeding \$400 or by imprisonment not exceeding 30 days, or both, and the City Of Chula Vista may bring a civil action in Superior Court of the County of San Diego per section 18700 of the California Health and Safety Code. You have the right to request a conference per Section 18421.

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Don Johnson ALA
Senior Code Enforcement Officer

(Note. see reverse side of this Notice)

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18421 If the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome disputes a determination by the enforcement agency regarding the alleged violation, the alleged failure to correct the violation in the required timeframe, or the reasonableness of the deadline for correction specified by the Final Notice of Violation, the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome may request, in writing, a hearing pursuant to CCR Title 25 Section 1613, or within ten (10) days of the date of this Final Notice may request, in writing, an informal conference with the enforcement agency per CCR Title 25 Section 1752. The informal conference, and any subsequent hearings or appeals of the decision of the enforcement agency, shall be conducted in accordance with procedures prescribed by the department.

FAILURE TO COMPLY WITH THIS NOTICE OF VIOLATION MAY RESULT IN ANY ONE OR A COMBINATION OF THE FOLLOWING ENFORCEMENT ACTIONS.

18700. Any person who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding four hundred dollars (\$400) or by imprisonment not exceeding 30 days, or by both such fine and imprisonment

Any permitholder who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part, shall be liable for a civil penalty of five hundred dollars (\$500) for each violation or for each day of a continuing violation. The enforcement agency shall institute or maintain an action in the appropriate court to collect any civil penalty arising under this section.

Title 25 Chapter 2 Subchapter 1 Article 10 1617 Consequences of Failure to Abate

(a) It is unlawful for the person ordered to abate a violation to fail to or refuse to remove and abate that violation within the time period allowed in the order after the date of posting of an order on the cited unit, structure, or property or receipt of an order. After the expiration of the time period allowed for an order related to a violation, the enforcement agency has the authority to initiate any appropriate action or proceeding to abate the violation, including but not limited to seeking a court order for abatement by a receiver or other person.

Title 25 Chapter 2 Subchapter 1 Article 10 1618 Responsibility for Costs

(a) The registered owner of the unit, or any other cited person or entity that fails to correct a violation within the time allotted in the original correction order, or any extension thereto, shall be held responsible for the costs of abatement of the violation. Costs of abatement, for purposes of this section, may include the enforcement agency's investigative and case preparation costs, court costs and attorney fees, the cost associated with any physical actions taken to abate the violation, and any technical service or other fees due to the enforcement agency related to the abatement activity



5733

PLANNING & BUILDING DEPARTMENT

July 25, 2005

Brentwood Mobile Home Park
Attn: Manager
1100 Industrial Blvd.
Chula Vista CA 91910

Subject: Notice of Violation for lack of Fire Protection

An inspection of your mobile home park (Brentwood) is in the process, and the following item has been encountered that has raised a serious concern. The lack of fire protection throughout the park is in violation of the 2001 California Fire Code, Section 903, State of California Title 25 Mobile Home Parks Act, Article 10, Section 1608, and the park has been declared substandard as a result.

Attached is a Final Notice of Violation, Number HI05-0225 (Fire protection), which specifies the lack of fire protection for Brentwood. This Notice does not include other violations throughout the park, as, to date, the extent of the other violations has not been determined. A subsequent Notice of Violation will be issued for those violations.

In order to satisfy the minimum fire protection requirements a water supply sufficient to support fire suppression apparatus must be installed. This includes, but is not limited to, the installation of a significant number of hydrants throughout the park.

The following timeframes to correct Final Notice of Violation HI05-0255 (Fire Protection) are in effect.

1 The Fire Marshal requires Brentwood to design (using a California Registered, Licensed Professional Engineer), permit, install, inspect and maintain a full fire protection system throughout the park. The specific codes imposed by the Fire Marshal are the 2001 California Fire Code, the Sweetwater Authority Standards and current NFPA 24 Standards for underground piping.

2 Brentwood is required to retain the services of a Professional Engineer within 10 calendar days of the date of Final Notice of Violation, submit preliminary plans prepared by a Professional Engineer to the Fire Marshal within 34 calendar days of the date of Final Notice of Violation, and submit for permit to the City of Chula Vista and the Sweetwater Authority complete plans.

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Chula Vista, CA 91910



5734

for a complete system throughout the park within 14 calendar days of approval of the submitted preliminary plan

3 Subsequent to approval by the City of Chula Vista and the Sweetwater Authority, a California Licensed Contractor shall be hired by Brentwood within 30 calendar days of permit approval, and shall commence work within 45 calendar days of permit approval. Construction shall continue uninterrupted until completion and final inspection approval have been accomplished.

In the event the listed timeframes are not met, the City of Chula Vista will take other administrative, civil and/or criminal action to facilitate compliance with the listed minimum fire suppression requirements.

Your prompt assistance in addressing this issue will be greatly appreciated. I can be reached at (619) 691-5272 ext 3704.

Sincerely,



Don Johnson AIA
Senior Code Enforcement Officer

Attachments.

CFC Section 903
CCR Title 25 Section 1608
Final Notice of Violation HI05-0225 (Fire Protection)

Cc Jim Sandoval, Director of Building & Planning
Brad Remp, Chief Building Official, Assistant Director of Building
Justin Gipson, Fire Marshal

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CITY OF CHULA VISTA



RECEIVED
FEB 26 2007

PLANNING & BUILDING DEPARTMENT

Erik M. Rollain
Senior Vice President / Director of Acquisitions
Follett Investment Properties, Inc.
11211 Gold Country Blvd, Suite 100
Gold River, CA 95670
(916) 852-0112 Phone
(916) 852-0115 Fax

RE: Violations at Brentwood Mobile Home Park

February 23, 2007

Dear Mr. Rollain,

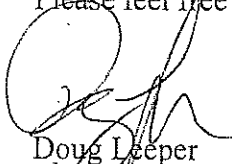
This letter is to serve as confirmation of our conversation on today's date. As I stated, the City of Chula Vista has accepted your proposed time frames (copy attached) regarding the repairs required at the listed property. It is understood and agreed that all listed time frames are from the close of escrow. As long as you remain within these time frames, you will not incur additional fines or penalties after the close of escrow. It is my understanding that you have advanced monies into your deposit account for repairs that have already begun. I wish to thank you for your good faith efforts to bring the property into compliance.

The Recordation of the Notice of Violation must remain in place until all fines, fees and penalties have been paid and the violations corrected and approved by the city. It is my understanding that the current fines and penalties are to be paid upon close of escrow. That being said, I understand that your lender may be hesitant to fund with such a recordation in place. If that is the case may I offer this solution? Upon signed agreement with your company, the land holder and the City, I will release the Recordation of the Notice of Violation to allow the transfer of title at which time the Notice of Violation will be re-recorded and remain in place until the violations have been corrected. This should allow all parties involved coverage for their particular issues. The recordation will be released upon completion of the repairs.

You had also inquired about the possibility of reconfiguring the existing spaces at the North end of the park to accommodate larger homes. So long as no tenants are affected by the adjustment of the lot lines and the number of spaces listed on your permit to operate remains unchanged, you are free to do so. In the event there is a tenant whose lot

line would be adjusted, a permit for that process is required. As long as the plans submitted address the repairs required within the notices of violation, the City would accept for review and process the proposed development. Please keep in mind that you are still responsible to complete the required repairs within the time frames agreed upon.

Please feel free to contact me should you have any questions.

A handwritten signature in black ink, appearing to read 'Doug Leeper', is written over the printed name.

Doug Leeper
Code Enforcement Manager
City of Chula Vista

December 13, 2006

Doug Leeper
City of Chula Vista
276 Fourth Avenue, MS B-200
Chula Vista, CA 91910

Re: Brentwood MHP – Construction Timeline

Dear Doug:

Per our prior conversations, we are interested in purchasing Brentwood MHP and understand that in the absence of the park being in compliance at close of escrow (COE) (Estimated to be January 29, 2007) with the Administrative Order and Chula Vista Municipal Code, the City would be willing to discuss a compliance agreement that would allow a new owner reasonable time to obtain bids and permits and commence and complete all required work. As the new owner, we propose the following timeline:

Fire Hydrant Installation

1. 30 days from COE to obtain three (3) bids from California licensed contractors based on the approved plans dated October 5, 2006;
2. 60 days from COE to hire a contractor;
3. 90 days from COE to commence work and
4. 180 days from COE to complete work.

Electrical System Installation

1. 30 days from COE to submit for permit to the City of Chula Vista complete plans for work to be performed in order to bring electrical into code compliance;
2. Subsequent to plan check approval by the City of Chula Vista, Follett shall be provided 30 days to hire a contractor;
3. 45 days from plan check approval to commence work and
4. 12 months or sooner to complete work due to the fact that work will be conducted in phases in coordination with the tenants regarding trench path area and tenant inconvenience.

Asphalt Paving

1. 30 days for completion with work to commence after electrical work requiring street excavation is complete.

Please let me know your thoughts on our proposed timeline. At this stage, until we have new electrical plans from the electrical engineer, it is difficult to break down the electrical work into phases as previously discussed. Victoria Govey, President of Buck Electric who we anticipate using as the contractor for this job, feels comfortable that the 12 month estimate to complete the work is very deliverable and it is likely that they can finish the job sooner. Once again, we appreciate you working with us and hope that you consider our proposal to be reasonable. We at Follett Investment Properties, Inc. look forward to working with you on this matter.

Sincerely,

Erik M. Rollain
Senior Vice President



CHICAGO TITLE COMPANY

BUYER'S/BORROWER'S SETTLEMENT STATEMENT

PAGE: 01

ESCROW NUMBER: 05880-603010642-001 ORDER NUMBER: 05880-603010642

CLOSING DATE: 04/06/07 CLOSER: Marie Berry

BUYER: Brentwood MHP Investors, LLC

SELLER: Therese C. Loretz, Trustee

PROPERTY: 1100 Industrial Blvd., Chula Vista, CALIFORNIA

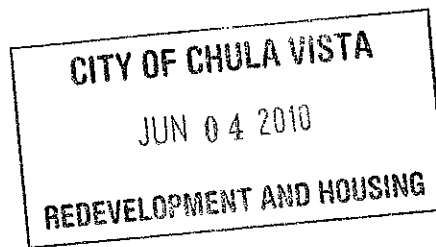
	CHARGE BUYER	CREDIT BUYER
Sales Price	\$ 3,950,000.00	\$
Deposits		
Received 04/06/07 PROCEEDS TO CLOSE	39,913.41	
Received 04/05/07 DEPOSIT	1,200,000.00	
Received 02/09/07 DEPOSIT	100,000.00	
Received 01/31/07 DEPOSIT	150,000.00	
Received 11/27/06 INITIAL DEPOSIT	100,000.00	
TOTAL RECEIPTS		1,589,913.41
New Loan From Bank of Sacramento		3,800,000.00
Loan Charges To Bank of Sacramento		
Appraisal Fee	5,500.00	
Appraisal Fee Deposit		5,500.00
Documentation Fee	500.00	
Loan Fee	19,000.00	
Flood Cert	22.00	
Tax Service Fee	440.00	
Improvement Advances	1,075,285.50	
Prorations And Adjustments		
Rent/Adjustments from 04/01/07 to 04/06/07	20,434.33	
Total amount \$ 122,606.01 for 30 days		
Land Lease Payment from 04/06/07 to 06/30/07	56,000.00	
Total amount \$ 120,000.00 for 180 days		
Dept Agric ann fee (\$4.44 dy) from 04/06/07 to 12	1,176.60	
City CV Bus Lic (\$7.77dy) from 04/06/07 to 12/31/	2,059.05	
Dept Env Health (.82dy) from 02/28/07 to 04/06/07	31.16	
Fire Hydrant System Replacement	201,000.00	
Submetered Utilities 2/8-3/8/07	20,457.11	
Submetered Utilities (\$730.61 dy) from 03/08/07 t	18,265.25	
County Taxes from 01/01/07 to 04/06/07		7,659.20
Total amount \$ 14,512.17 for 180 days		
James Company Equipment/Storage Rental		4,222.64
James Company Late Service Charges		287.95
Security Deposits		4,825.00
Settlement or Closing Fee	2,187.50	
Title Insurance	2,295.63	
Loan tie in	150.00	
2ndhalf taxes	14,512.17	
Recording Fees	107.00	
Affordable Drain Service	4,680.00	
Pacific States Utility Company	992.26	
Insurance - Totem Agencies	8,987.97	
Gas Leak - Pacific States	864.30	
Search - Unisearch	498.00	
Funds Due To Buyer At Closing	6,962.37	
TOTALS	\$ 5,412,408.20	\$ 5,412,408.20

DATE: 04/09/07 13:02:44

4-1

EXHIBIT 2B

June 3, 2010



Ms. Stacy S. Kurz

Senior Project Coordinator

Mobile Home Rent Commission

City of Chula Vista, CA

Dear Ms. Kurz,

With regards to the upcoming hearing, I would just like to restate part of my letter, dated March 13. In this I quoted from a letter dated April 7, 2009 from Mr. Johnloz in which he withdrew a previous request for rental increase. At a general meeting he stated that Brentwood was working well and he wished that many other of the properties he managed would do as well. He went on to tell us that they did not foresee any increase beyond the CPI in the near future. He mentioned the improvements that had been made already and I am sure we all assumed that those costs had been covered. I would also deduce, as I believe some of the commissioners did, that the sale price of the park allowed for the fact that the electrical and fire hydrant items must be taken care of by the new owner.

One other item that I think needs some investigation, although perhaps interrogation would be a better term. The previous president of the HOA, in supporting the increase, stated that he had sold his old unit and purchased one of the new units. I am curious as to who purchased his unit, the price paid and the price he paid for this new unit and was it less that the unit had previously been offered for sale.

I raise this question, remembering when I represented the Sweetwater Valley Civic Association before an Administrative Judge, the opposition ("Circle K") had

originally offered to buy my house so I would move away, and when I refused, handed me an envelope as we entered the chambers, with a check for ten thousand dollars payable if I would just turn around and leave the hearing. Needless to say, I did not and we won the case and there is no Circle K in Bonita.

I would appreciate your sharing this with the Commission. In closing, I compliment the members for their handling of this hearing. I admire the way Chairman Padilla walked the line between compassion and time restraints. Well done



James L. Brown

Space H14, 619 656-9940

June 3, 2010

From: Brentwood Mobile Home Owners (Chula Vista, California)

To: Chula Vista Rent Control Review Commission

RE: Rent Increase for Mobile Home Mobile Park

Dear Sirs,

The following information was requested by Community Development.

Information concerning the purchased price of Brentwood Mobile Home Park is per page 4-1 by Chicago Title Company Sale price: \$3,950,000.00

Also in conjunction with the purchased price consider the lease extension from 2018-2049, this was complete in 2009. This was nine (9) years before the lease expired in 2018, it gave the land lease owners \$450,000.00 one time payment plus raised the lease rent \$60,000 per year, over the period it amounts to 990,000 not counting 2% to 6% annual increase.

Brentwood LLC stated they would like a 9% return on their investment and then quoted a few costs from their application pages 6 + 17 with several dates from 1991 to 2005 – How would you like to lock in a 9% on your investments in this economy. The owner of Brentwood LLC is Leon Fish; the landowners are Hall Family Trust of which Leon Fish is a member.

I suppose you could say – Do they (Brentwood) really need a rent increase to regain their investment or are they crunching everything they can into the first three (3) years of ownership.

As you can see many of the items (which are not allowable pass through) will never be needed again.

Regardless of what City staff recommends, about the rent increase, we hope you will draw the conclusion, that they will make more than enough from their present rent to make their 9% return and more.

The rest of the requested information is following...

Thank you,

Brentwood Home Owners

June 4, 2010
To Chula Vista Rent Control Committee
Dear Sirs -

Enclosed in this packet you
will find the code violations from Brentwood
Mobile Home Park -

As you will see these violations were
on file with the City long before Brentwood LLC
acquired the land lease -

Knowing full well these were major
violations the LLC is trying to cover these
up so they can again make the residents pay for
this.

We the residents have been paying our
rent each and every month for a park that
has no code violations. But we've had them
for years as these documents show.

We sorry for the hasty compiling of this
packet as we were only offered 3 days to obtain it.
City Hall is closed on Friday.

Hopefully reviewing all of this material will
help you in processing this application and finding
our present rent is sufficient to satisfy their
thirst for money

Sincerely,
Brentwood Homeowners.



REQUEST FOR PUBLIC RECORDS

Office of the City Clerk

The California Public Records Act (Government Code Section 6250 et. seq.) requires the City to respond to a request for public records within 10 calendar days. Actual release of the records need not be made within this 10-day period but should not be unreasonably delayed. The City Clerk's Office will respond to a request for records maintained by the City Clerk's Office at the earliest opportunity, consistent with the workload of City Clerk staff. Requests for records maintained by other City departments will be immediately forwarded to the City Attorney's Office and the appropriate department(s).

Please note: Certain records are exempt from mandatory disclosure under the Public Records Act and should be requested from the City Attorney's Office.

Requested Via:

Counter ☒

Telephone ☐

Mail/Email ☐

Date received: 6-1-2010

Request:

Inspect File ☐

Copy records ☒

Research ☐

Date required: _____

10 JUN -1 AM 1:33
CITY OF CHULA VISTA
CITY CLERK'S OFFICE

RECEIVED

****For Office Use Only****

	Description of Document(s)	Date	# of Copies	# of Pages	Charge
1.	BRENTWOOD MOBILE HOME CODE VIOLATION	6/1/10			
2.	1100 Industrial Blvd				
3.					
4.					
5.					

I agree to pay the City of Chula Vista at the rate of 15¢ per page at the time of receipt of copies by my representative or myself. If I request to have records faxed, I agree to make payment in advance at the rate of 40¢ per page to numbers within San Diego County and 50¢ per page to numbers outside San Diego County.

Name/Organization: David E. Ryan

Address: _____

Telephone: _____

FAX: _____

Signature: David E. Ryan

Please note that this request form is a matter of public record.

Eileen Dimagiba

From: Georgene Pharis
Sent: Tuesday, June 01, 2010 4:18 PM
To: Gary Halbert
Cc: Michael Shirey; Eileen Dimagiba; Donna Norris; Jim Sandoval; Scott Tulloch
Subject: CPRA re:Brentwood Mobilehome Park/Runyan



**Brentwood
Mobilehome Park Vic**

Hello Gary,

Please provide me with records that may be responsive to the attached request by June 11, 2010.

Thank you,
Georgene Pharis
Records Manager
Office of the City Clerk
619/691-5041 ex 3149



PLANNING AND BUILDING DEPARTMENT
BUILDING DEPARTMENT
276 FOURTH AVENUE CHULA VISTA, CA 91910
PHONE NO.: (619) 691-5280 FAX NO.: (619) 585-5681

EXHIBIT 8

MOBILE HOME PARK NOTICE OF VIOLATION ☒ *First Notice* ☐ *Final Notice*

Notice Date: 6/30/2005 Violation Date(s): 6/30/2005 Case Number: HI05-0225
(Fire Protection)

Mobile Home Park Name: BRENTWOOD MOBILE HOME PARK

Space Number / Location: PARKWIDE

Occupant Name: BRENTWOOD MOBILE HOME PARK

Owner/Manager/Employee Name & Address: HALL TRUST 03-02-00*NSNS10/40#FISH LEON H TR*CON
P O BOX 3201 YOUNTVILLE CA 94599

You are hereby notified the following violation(s) (must be/have not been) corrected.

Violation 2001 California Fire Code and Title 25, Mobile Home Parks Act

Lack of Fire Protection throughout park 2001 CFC Section 903. Park has been declared substandard per CCR 25 1608.

Comments/Corrective Action

Provide complete, approved fire protection system per 2001 California Fire Code, Sweetwater Authority Standards and NFPA 24.

The above violation must be corrected within the number of specific days included in letter dated June 30, 2005. In the event you fail to correct the above violations by the date listed, you will be charged with a misdemeanor, punishable by a fine not exceeding \$400 or by imprisonment not exceeding 30 days, or both, and the City Of Chula Vista may bring a civil action in Superior Court of the County of San Diego per section 18700 of the California Health and Safety Code. You have the right to request a conference per Section 18421.

Contact the City Code Enforcement Officer listed below at (619) 691-5272 extension 3704 if you have any questions concerning this matter.

Don Johnson AIA
Senior Code Enforcement Officer

(Note: see reverse side of this Notice)

PLEASE TAKE THIS NOTICE WITH YOU WHEN APPLYING FOR PERMITS

Building and planning permits may be applied for at the building counter or planning counter at 276 fourth avenue, Chula Vista CA. Please telephone (619) 691-5272 for general information about getting the required permits and/or (619) 585-5621 for zoning and sign permit information.

18421. If the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome disputes a determination by the enforcement agency regarding the alleged violation, the alleged failure to correct the violation in the required timeframe, or the reasonableness of the deadline for correction specified by the notice of violation, the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome may request an informal conference with the enforcement agency. The informal conference, and any subsequent hearings or appeals of the decision of the enforcement agency, shall be conducted in accordance with procedures prescribed by the department.

FAILURE TO COMPLY WITH THIS NOTICE OF VIOLATION MAY RESULT IN ANY ONE OR A COMBINATION OF THE FOLLOWING ENFORCEMENT ACTIONS.

18700. Any person who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding four hundred dollars (\$400) or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

Any permitholder who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part, shall be liable for a civil penalty of five hundred dollars (\$500) for each violation or for each day of a continuing violation. The enforcement agency shall institute or maintain an action in the appropriate court to collect any civil penalty arising under this section.

Title 25 Chapter 2 Subchapter 1 Article 10 1617 Consequences of Failure to Abate.

(a) It is unlawful for the person ordered to abate a violation to fail to or refuse to remove and abate that violation within the time period allowed in the order after the date of posting of an order on the cited unit, structure, or property or receipt of an order. After the expiration of the time period allowed for an order related to a violation, the enforcement agency has the authority to initiate any appropriate action or proceeding to abate the violation, including but not limited to seeking a court order for abatement by a receiver or other person.

Title 25 Chapter 2 Subchapter 1 Article 10 1618 Responsibility for Costs

(a) The registered owner of the unit, or any other cited person or entity that fails to correct a violation within the time allotted in the original correction order, or any extension thereto, shall be held responsible for the costs of abatement of the violation. Costs of abatement, for purposes of this section, may include the enforcement agency's investigative and case preparation costs, court costs and attorney fees, the cost associated with any physical actions taken to abate the violation, and any technical service or other fees due to the enforcement agency related to the abatement activity.



PLANNING & BUILDING DEPARTMENT

June 30, 2005

Brentwood Mobile Home Park
Attn: Manager
1100 industrial Blvd.
Chula Vista CA 91910

Subject: Notice of Violation for lack of Fire Protection

An inspection of your mobile home park (Brentwood) is in the process, and the following item has been encountered that has raised a serious concern. The lack of fire protection throughout the park is in violation of the 2001 California Fire Code, Section 903, State of California Title 25 Mobile Home Parks Act, Article 10, Section 1608, and the park has been declared substandard as a result.

Attached is a Notice of Violation, Number HI05-0225 (Fire protection), which specifies the lack of fire protection for Brentwood. This Notice does not include other violations throughout the park; as, to date, the extent of the other violations has not been determined. A subsequent Notice of Violation will be issued for those violations.

In order to satisfy the minimum fire protection requirements a water supply sufficient to support fire suppression apparatus must be installed. This includes, but is not limited to, the installation of a significant number of hydrants throughout the park.

The following timeframes to correct Notice of Violation HI05-0255 (Fire Protection) are in effect:

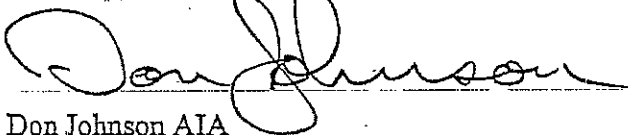
1. The Fire Marshal requires Brentwood to design (using a California Registered, Licensed Professional Engineer), permit, install, inspect and maintain a full fire protection system throughout the park. The specific codes imposed by the Fire Marshal are the 2001 California Fire Code, the Sweetwater Authority Standards and current NFPA 24 Standards for underground piping.
2. Brentwood is required to retain the services of a Professional Engineer within 20 calendar days of the date of Notice of Violation, submit preliminary plans prepared by a Professional Engineer to the Fire Marshal within 34 calendar days of the date of Notice of Violation, and submit for permit to the City of Chula Vista and the Sweetwater Authority complete plans for a complete system throughout the park within 14 calendar days of approval of the submitted preliminary plan.

3. Subsequent to approval by the City of Chula Vista and the Sweetwater Authority, a California Licensed Contractor shall be hired by Brentwood within 30 calendar days of permit approval, and shall commence work within 45 calendar days of permit approval. Construction shall continue uninterrupted until completion and final inspection approval have been accomplished.

In the event the listed timeframes are not met, the City of Chula Vista will take other administrative, civil and/or criminal action to facilitate compliance with the listed minimum fire suppression requirements.

Your prompt assistance in addressing this issue will be greatly appreciated. I can be reached at (619) 691-5272 ext 3704.

Sincerely,



Don Johnson AIA
Senior Code Enforcement Officer

Attachments:

CFC Section 903
CCR Title 25 Section 1608
Notice of Violation HI05-0225 (Fire Protection)

Cc: Jim Sandoval, Director of Building & Planning
Brad Remp, Chief Building Official; Assistant Director of Building
Justin Gipson, Fire Marshal

dj

J:\Code Enforcement Cases\MOBILE HOME PARK INSPECTIONS\BRENTWOOD\2005 T 25\COMMON AREAS\Fire LTR.doc

Vertical clearances or widths shall be increased when, in the opinion of the chief, vertical clearances or widths are not adequate to provide fire apparatus access.

2.2.2.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

902.2.2.3 Turning radius. The turning radius of a fire apparatus access road shall be as approved.

902.2.2.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with approved provisions for the turning around of fire apparatus.

902.2.2.5 Bridges. When a bridge is required to be used as part of a fire apparatus access road, it shall be constructed and maintained in accordance with nationally recognized standards. See Article 90, Standard a.1.1. The bridge shall be designed for a live load sufficient to carry the imposed loads of fire apparatus.

Vehicle load limits shall be posted at both entrances to bridges when required by the chief.

902.2.2.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved.

902.2.3 Marking. See Section 901.4.

902.2.4 Obstruction and control of fire apparatus access.

902.2.4.1 General. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under Section 902.2.2.1 shall be maintained at all times.

Entrances to roads, trails or other accessways which have been closed with gates and barriers in accordance with Section 902.2.4.2 shall not be obstructed by parked vehicles.

902.2.4.2 Closure of accessways. The chief is authorized to require the installation and maintenance of gates or other approved barricades across roads, trails or other accessways, not including public streets, alleys or highways.

When required, gates and barricades shall be secured in an approved manner. Roads, trails and other accessways which have been closed and obstructed in the manner prescribed by Section 902.2.4.2 shall not be trespassed upon or used unless authorized by the owner and the chief.

EXCEPTION: Public officers acting within their scope of duty.

Locks, gates, doors, barricades, chains, enclosures, signs, tags or seals which have been installed by the fire department or by its order or under its control shall not be removed, unlocked, destroyed, tampered with or otherwise molested in any manner.

EXCEPTION: When authorized by the chief or performed by public officers acting within their scope of duty.

902.3 Access to Building Openings.

902.3.1 Required access. Exterior doors and openings required by this code or the Building Code shall be maintained readily accessible for emergency access by the fire department.

An approved access walkway leading from fire apparatus access roads to exterior openings required by this code or the Building Code shall be provided when required by the chief.

2.3.2 Maintenance of exterior doors and openings. Exterior doors or their function shall not be eliminated without prior approval by the chief. Exterior doors which have been rendered nonfunctional and which retain a functional door exterior appearance shall have a sign affixed to the exterior side of such door stating THIS DOOR BLOCKED. The sign shall consist of letters having principal stroke of not less than 3/4 inch (19.1 mm) wide and at least 6 inches (152.4 mm) high on a contrasting background. Required fire department access doors shall not be obstructed or eliminated. See Section 1207 for exit and exit-access doors.

For access doors for high-piled combustible storage, see Section 8102.6.2.

902.3.3 Shaftway marking. Exterior windows in buildings used for manufacturing or for storage purposes which open directly on shaftways or other vertical means of communication between two or more floors shall be plainly marked with the word SHAFTWAY in red letters at least 6 inches (152.4 mm) high on a white background. Warning signs shall be easily discernible from the outside of the building. Door and window openings on such shaftways from the interior of the building shall be similarly marked with the word SHAFTWAY in a manner which is easily visible to anyone approaching the shaftway from the interior of the building, unless the construction of the partition surrounding the shaftway is of such distinctive nature as to make its purpose evident at a glance.

902.4 Key Boxes. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.

✕ SECTION 903 — WATER SUPPLIES AND FIRE HYDRANTS

903.1 General. Water supplies and fire hydrants shall be in accordance with Sections 901 and 903.

903.2 Required Water Supply for Fire Protection. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protected is in excess of 150 feet (45 720 mm) from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the chief. See Section 903.4.

903.3 Type of Water Supply. Water supply is allowed to consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. In setting the requirements for fire flow, the chief may be guided by Appendix III-A.

903.4 Fire Hydrant Systems.

903.4.1 General.

903.4.1.1 Applicability. Fire hydrant systems and fire hydrants shall be in accordance with Section 903.4.

903.4.1.2 Testing and maintenance. Fire hydrant systems shall be subject to such periodic tests as required by the chief. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall be in accordance with approved standards.

903.4.1.3 Tampering and obstruction. See Sections 1001.6 and 1001.7.

CCR TITLE 25

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18402, 18404, 18550, 18605, and 18610, Health and Safety Code.

§ 1608. Substandard Accessory Buildings and Structures and Building Components.

Any accessory structure or building, or building component or portion thereof, or the premises on which the same is located, shall be deemed substandard and a nuisance when any of the following conditions exist that endanger the life, limb, health, property, safety, or welfare of the occupants or the public.

* (a) Health hazards or inadequate sanitation include, but are not limited to, the following:

- (1) When installed, inoperable or defective water closet, lavatory, bathtub or shower.
- (2) When installed, inoperable or defective kitchen sink.
- (3) When installed, inadequate hot and cold running water to plumbing fixtures.
- (4) Dampness of habitable rooms.
- (5) Infestation of insects, vermin or rodents.
- (6) General dilapidation or improper maintenance.
- (7) When installed, defective connection of plumbing fixtures to a sewage disposal system.

(b) Structural hazards, which include, but are not limited to, the following:

- (1) Deteriorated or inadequate foundations or stabilizing devices.
- (2) Defective or deteriorated flooring or floor supports.
- (3) Flooring or floor supports of insufficient size to carry imposed loads with safety.
- (4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
- (5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
- (6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
- (7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
- (8) Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.
- (9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
- (10) Lack of, inoperable, or defective required ventilating equipment.
- (11) Lack of minimum amounts of required natural light and ventilation.

(c) Nuisance as defined in section 1002.

(d) Electrical hazards include, but are not limited to, the following:

- (1) All electrical wiring that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good and safe condition, or is not being used in a safe manner.
- (2) Lack of, inoperable, or defective required electrical lighting.

(e) Plumbing that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good or safe condition, or has cross-connections and siphonage between fixtures.

(f) Mechanical equipment, including heating equipment and its vents, that did not conform with all applicable laws and regulations in effect at the time of its installation or which has not been maintained in good and safe condition, or is not being used in a safe manner.

(1) Inoperable or defective heating facilities.

(g) Faulty weather protection, which includes, but is not limited to, the following:

- (1) Deteriorated roofs.
- (2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.
- (3) Defective or lack of weather protection for exterior wall coverings.
- (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

(h) Any accessory structure or building or building component or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

CCR TITLE 25

- (i) Materials or construction not allowed or approved by this chapter or which have not been adequately maintained in good and safe condition
- (j) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, sewage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health or safety hazards
- (k) All accessory building or structures or building components or portions thereof not provided with adequate exit facilities as required by this chapter except those buildings or portions thereof whose exit facilities conformed with all applicable laws and regulations in effect at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- * (l) All buildings, structures, or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this chapter, except those buildings, structures, or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing system or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- (m) All accessory buildings or structures or building components or portions thereof occupied for living, sleeping, cooking, or dining purposes which were not designed or intended to be used for such occupancies.
- (n) Room and space dimensions less than required by this chapter.

NOTE: Authority Cited: Section 18300 Health and Safety Code. Reference: Sections 18402, 18404, 18552 and 18610, Health and Safety Code

§ 1610. Abatement.

- (a) The registered owner of a unit, accessory building or structure, or building component that is constructed, altered, converted, used, or maintained in a manner that constitutes a violation is required to abate the violation.
- (b) The legal owner of the property, or park owner or operator for properties or permanent buildings under their ownership or control, that is constructed, altered, converted, used, or maintained in a manner that constitutes a violation, is required to abate the violation.

NOTE: Authority cited: Section 18300 Health and Safety Code. Reference: Sections 18402, 18404, 18550, 18552, 18605, 18610, and 18613 Health and Safety Code.

§ 1611. Notice of Violation and Orders to Correct.

- (a)(1) Whenever the enforcement agency finds a condition that constitutes a violation of this chapter, the Health and Safety Code, or any other applicable provision of law, the enforcement agency shall provide a written notice to the person or entity responsible for correction of the violation.
- (2) The written notice shall state the conditions which constitute the violation including a reference to the law or regulation being violated, and shall order its abatement, or correction within five (5) days after the date of notice or a longer period of time as allowed by the enforcement agency.
- (3) If a unit is in such condition that identification numbers are not available to determine ownership, the notice shall be given to the owner of the real property, or if located in a park the owner or operator of the park.
- (4) Whenever the enforcement agency determines a unit, habitable accessory building or structure, or permanent building constitutes an imminent hazard representing an immediate risk to the life, health, or the safety of an occupant, the enforcement agency shall post a notice on the structure, declaring it uninhabitable. The unit, habitable accessory building or structure, or permanent building shall not be occupied until deemed safe by the enforcement agency. At the time of the posting, the enforcement agency shall issue a notice as described in this section to the registered owner. A copy of the notice shall be issued to the occupant of the unit, accessory building or structure, or permanent building, if the occupant is not the registered owner.

NOTE: Authority cited: Sections 18300, 18605, 18610, 18620, 18630, 18640, 18670, 18690, and 18691 Health and Safety Code. Reference: Sections 18300, 18402, 18404, 18500, 18550, 18605, 18610, 18620, 18630, 18640, 18670, 18690, and 18691 Health and Safety Code



PLANNING & BUILDING DEPARTMENT

August 31, 2005

Brentwood Mobile Home Park
Hall Trust
Attn: Manager
1100 Industrial Blvd.
Chula Vista CA 91910

Subject: Notice of Violation HI05-0745

An inspection of your mobile home park (Brentwood) has been completed, and the following items have been encountered.

1. Throughout the park, the electrical pedestals and panels are in a state of disrepair, are not properly grounded, have parts missing or badly corroded, and are at distances in excess of 4 feet from the mobile home. Due to the lack of maintenance, the circuit may be interrupted to the neutral, causing serious voltage spikes in the homes, damaging appliances and creating a dangerous condition for the occupants.

As a result of the above defects, the electrical system is declared substandard. The electrical system must be replaced to current standards. CCR Title 25 Article 3 Section 1130 (b), Article 10 Section 1605(d)(1).

2. Gas lines and regulators at 13 locations along roadways throughout the park have no, or insufficient, protection from impact. 4" diameter steel bollards 6 feet long, filled with concrete set in 12" min. diameter concrete footings must be installed at each location to provide complete protection (minimum of 2 bollards per location). CCR Title 25 Article 4 Section 1228.

3. Gas meters, electrical and water connections in carports are unprotected from impact. Bollards must be installed at each exposed utility location. CCR Title 25 Article 3 Section 1178, Article 4 Section 1228, and Article 5 Section 1280.

4. Cabinets and pedestals for telephone and cable television are in a substantial state of disrepair and deterioration, and are declared substandard. New all weather enclosures must be installed, wiring must be properly contained and all connecting blocks and mechanisms must be properly mounted and protected from weather. CCR Title 25 Article 3 Section 1170.

5. Deteriorated roads and driveways must be patched and re-surfaced. Driveways and yards at mobile homes must be filled and sloped to drain away from home to prevent water accumulation in driveway and under home. Surfacing must conform to Fire Department Standards. CCR Title 25 Article 2 Section 1116 and 2001 California Fire Code Part III Article 9 Section 902.2.2.2.

6. Trash pickup service is insufficient and declared substandard. Frequency of pickup or quantity of containers must be approximately doubled to provide sufficient capacity to keep lids of containers tightly closed and prevent spillage outside of bins between pickup cycles. Curbside service may be a better alternative for residents. CCR Title 25 Article 2 Section 1120 (d), and Article 10 Section 1605(a)(8).

7. Board and Secure abandoned mobile home in space D-41 against entry or remove from park. This home is declared substandard and a public nuisance. Remove illegal additions and storage units. CCR Title 25 Article 10 Section 1606(a)(6), California Civil Code Sections 3479 and 3480.

8. All items in Fire Department Inspection Report dated 7/30/2004 must be corrected. CCR Title 25 Article 10 Section 1605(h).

9. All cast iron hubs at sewer connections are deteriorated to the point they are no longer able to provide a positive seal; are declared substandard and shall be replaced with new. Entire sewer drain line system is to be inspected by camera for condition, and report submitted to Code Enforcement for review. CCR Title 25 Article 5 Section 1254(b),(c).

The following timeframes to correct Notice of Violation HI05-0745 are in effect:

a. Brentwood Mobile Home Park must design, permit, and replace the electrical distribution system to the individual spaces throughout the park and must retain the services of a California Licensed Electrical Engineer to provide design and plans for permit.

b. Brentwood is required to retain the services of a California Licensed Professional Electrical Engineer within 20 calendar days of the date of Notice of Violation, submit preliminary plans prepared by a California Licensed Professional Engineer to the Building Department within 34 calendar days of the date of Notice of Violation, and submit for permit to the City of Chula Vista complete plans for a complete system throughout the park within 14 calendar days of approval of the submitted preliminary plan.

c. Subsequent to approval by the City of Chula Vista, a California Licensed Electrical Contractor shall be hired by Brentwood within 30 calendar days of permit approval, and shall commence work within 45 calendar days of permit approval. Construction shall continue uninterrupted until completion and final inspection approval have been accomplished.

d. 4" diameter steel bollards 6 feet long, filled with concrete must be installed at each of the 13 roadside locations within 30 calendar days from the date of Notice of Violation.

e. Bollards at gas meters, electrical and water connections in all carports must be installed at each exposed utility location within 60 calendar days of the date of this Notice of Violation.

f. Cabinets and pedestals for telephone and cable television must be installed, wiring

must be properly contained and all connecting blocks and mechanisms must be properly mounted and protected from weather within 90 days of the date of this Notice of Violation.

g. Deteriorated roads and driveways must be patched and re-surfaced, driveways and yards at mobile homes must be filled and sloped to drain away from home within 90 calendar days of completion of installation and final inspection of fire protection system.

h. Trash pickup service frequency of pickup or quantity of containers must be doubled within 14 calendar days of the date of this Notice of Violation.

i. Board and Secure abandoned mobile home in space D-41 against entry or remove from park and remove illegal additions and storage units within 14 calendar days of the date of this Notice of Violation.

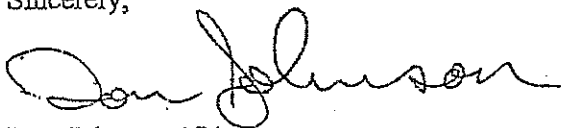
j. All items in Fire Department Inspection Report dated 7/30/2004 must be corrected within 90 calendar days of the date of this Notice of Violation, with the exception of the installation of the fire protection system referenced in Notice of Violation HI05-0225 (Fire Protection), which must be completed within the timeframes mentioned in that Notice of Violation.

k. All cast iron hubs at sewer connections are deteriorated to the point they are no longer able to provide a positive seal, and shall be replaced with new. Entire sewer drain line system is to be inspected by camera for condition, and report submitted to Code Enforcement for review within 60 calendar days of the date of this Notice of Violation.

In the event the listed timeframes are not met, the City of Chula Vista will take other administrative, civil and/or criminal action to facilitate compliance with the listed minimum fire suppression requirements.

Your prompt assistance in addressing this issue will be greatly appreciated. I can be reached at (619) 691-5272 ext 3704.

Sincerely,



Don Johnson AIA
Senior Code Enforcement Officer

Attachments:

CFC Section 902.2.2.2
California Civil Code 3479, 3480
CCR Title 25 Sections
Notice of Violation, Number HI05-0745

Cc: Jim Sandoval, Director of Building & Planning
Brad Remp, Chief Building Official, Assistant Director of Building
Justin Gipson, Fire Marshal
Deborah Cave, Deputy City Attorney



PLANNING AND BUILDING DEPARTMENT
BUILDING DEPARTMENT
276 FOURTH AVENUE CHULA VISTA, CA 91910
PHONE NO.: (619) 691-5280 FAX NO.: (619) 585-5681

MOBILE HOME PARK NOTICE OF VIOLATION ☒ *First Notice* ☐ *Final Notice*

Notice Date: 8/31/2005 Violation Date(s): 8/31/2005 Case Number: HI05-0745

Mobile Home Park Name: BRENTWOOD MOBILE HOME PARK

Space Number / Location: PARKWIDE

Occupant Name: BRENTWOOD MOBILE HOME PARK

Owner/Manager/Employee Name & Address: HALL TRUST 03-02-00*NSNS10/40#FISH LEON H TR*CON
P O BOX 3201 YOUNTVILLE CA 94599

You are hereby notified the violations itemized in the enclosed letter dated August 31, 2005, must be corrected within the timeframes listed.

In the event you fail to correct the violations itemized in the letter dated August 31, 2005, within the days listed, you will be charged with a misdemeanor, punishable by a fine not exceeding \$400 or by imprisonment not exceeding 30 days, or both, and the City Of Chula Vista may bring a civil action in Superior Court of the County of San Diego per section 18700 of the California Health and Safety Code. You have the right to request a conference per Section 18421.

Contact the City Code Enforcement Officer listed below at (619) 691-5272 extension 3704 if you have any questions concerning this matter.

Don Johnson AIA
Senior Code Enforcement Officer

(Note: see reverse side of this Notice)

PLEASE TAKE THIS NOTICE WITH YOU WHEN APPLYING FOR PERMITS

Building and planning permits may be applied for at the building counter or planning counter at 276 fourth avenue, Chula Vista CA. Please telephone (619) 691-5272 for general information about getting the required permits and/or (619) 585-5621 for zoning and sign permit information.

18421. If the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome disputes a determination by the enforcement agency regarding the alleged violation, the alleged failure to correct the violation in the required timeframe, or the reasonableness of the deadline for correction specified by the notice of violation, the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome may request an informal conference with the enforcement agency. The informal conference, and any subsequent hearings or appeals of the decision of the enforcement agency, shall be conducted in accordance with procedures prescribed by the department.

FAILURE TO COMPLY WITH THIS NOTICE OF VIOLATION MAY RESULT IN ANY ONE OR A COMBINATION OF THE FOLLOWING ENFORCEMENT ACTIONS.

18700. Any person who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding four hundred dollars (\$400) or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

Any permitholder who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part, shall be liable for a civil penalty of five hundred dollars (\$500) for each violation or for each day of a continuing violation. The enforcement agency shall institute or maintain an action in the appropriate court to collect any civil penalty arising under this section.

Title 25 Chapter 2 Subchapter 1 Article 10 1617 Consequences of Failure to Abate.

(a) It is unlawful for the person ordered to abate a violation to fail to or refuse to remove and abate that violation within the time period allowed in the order after the date of posting of an order on the cited unit, structure, or property or receipt of an order. After the expiration of the time period allowed for an order related to a violation, the enforcement agency has the authority to initiate any appropriate action or proceeding to abate the violation, including but not limited to seeking a court order for abatement by a receiver or other person.

Title 25 Chapter 2 Subchapter 1 Article 10 1618 Responsibility for Costs

(a) The registered owner of the unit, or any other cited person or entity that fails to correct a violation within the time allotted in the original correction order, or any extension thereto, shall be held responsible for the costs of abatement of the violation. Costs of abatement, for purposes of this section, may include the enforcement agency's investigative and case preparation costs, court costs and attorney fees, the cost associated with any physical actions taken to abate the violation, and any technical service or other fees due to the enforcement agency related to the abatement activity.

(See attachments for CVMC Section 1.41.060 and 1.41.140).

Vertical clearances or widths shall be increased when, in the opinion of the chief, vertical clearances or widths are not adequate to provide fire apparatus access.

902.2.2.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

902.2.2.3 Turning radius. The turning radius of a fire apparatus access road shall be as approved.

902.2.2.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with approved provisions for the turning around of fire apparatus.

902.2.2.5 Bridges. When a bridge is required to be used as part of a fire apparatus access road, it shall be constructed and maintained in accordance with nationally recognized standards. See Article 90, Standard a.1.1. The bridge shall be designed for a live load sufficient to carry the imposed loads of fire apparatus.

Vehicle load limits shall be posted at both entrances to bridges when required by the chief.

902.2.2.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved.

902.2.3 Marking. See Section 901.4.

902.2.4 Obstruction and control of fire apparatus access.

902.2.4.1 General. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under Section 902.2.2.1 shall be maintained at all times.

Entrances to roads, trails or other accessways which have been closed with gates and barriers in accordance with Section 902.2.4.2 shall not be obstructed by parked vehicles.

902.2.4.2 Closure of accessways. The chief is authorized to require the installation and maintenance of gates or other approved barricades across roads, trails or other accessways, not including public streets, alleys or highways.

When required, gates and barricades shall be secured in an approved manner. Roads, trails and other accessways which have been closed and obstructed in the manner prescribed by Section 902.2.4.2 shall not be trespassed upon or used unless authorized by the owner and the chief.

EXCEPTION: Public officers acting within their scope of duty.

Locks, gates, doors, barricades, chains, enclosures, signs, tags or seals which have been installed by the fire department or by its order or under its control shall not be removed, unlocked, destroyed, tampered with or otherwise molested in any manner.

EXCEPTION: When authorized by the chief or performed by public officers acting within their scope of duty.

902.3 Access to Building Openings.

902.3.1 Required access. Exterior doors and openings required by this code or the Building Code shall be maintained readily accessible for emergency access by the fire department.

An approved access walkway leading from fire apparatus access roads to exterior openings required by this code or the Building Code shall be provided when required by the chief.

902.3.2 Maintenance of exterior doors and openings. Exterior doors or their function shall not be eliminated without prior approval by the chief. Exterior doors which have been rendered nonfunctional and which retain a functional door exterior appear-

ance shall have a sign affixed to the exterior side of such door stating THIS DOOR BLOCKED. The sign shall consist of letters having principal stroke of not less than $\frac{3}{4}$ inch (19.1 mm) wide and at least 6 inches (152.4 mm) high on a contrasting background. Required fire department access doors shall not be obstructed or eliminated. See Section 1207 for exit and exit-access doors.

- For access doors for high-piled combustible storage, see Section 8102.6.2.

902.3.3 Shaftway marking. Exterior windows in buildings used for manufacturing or for storage purposes which open directly on shaftways or other vertical means of communication between two or more floors shall be plainly marked with the word SHAFTWAY in red letters at least 6 inches (152.4 mm) high on a white background. Warning signs shall be easily discernible from the outside of the building. Door and window openings on such shaftways from the interior of the building shall be similarly marked with the word SHAFTWAY in a manner which is easily visible to anyone approaching the shaftway from the interior of the building, unless the construction of the partition surrounding the shaftway is of such distinctive nature as to make its purpose evident at a glance.

902.4 Key Boxes. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.

SECTION 903 — WATER SUPPLIES AND FIRE HYDRANTS

903.1 General. Water supplies and fire hydrants shall be in accordance with Sections 901 and 903.

903.2 Required Water Supply for Fire Protection. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protected is in excess of 150 feet (45 720 mm) from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the chief. See Section 903.4.

903.3 Type of Water Supply. Water supply is allowed to consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. In setting the requirements for fire flow, the chief may be guided by Appendix III-A.

903.4 Fire Hydrant Systems.

903.4.1 General.

903.4.1.1 Applicability. Fire hydrant systems and fire hydrants shall be in accordance with Section 903.4.

903.4.1.2 Testing and maintenance. Fire hydrant systems shall be subject to such periodic tests as required by the chief. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall be in accordance with approved standards.

903.4.1.3 Tampering and obstruction. See Sections 1001.6 and 1001.7.

CALIFORNIA CODES
CIVIL CODE
SECTION 3479-3484

3479. Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a nuisance.

(3480.) Section Thirty-four Hundred and Eighty. A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

3481. Every nuisance not included in the definition of the last section is private.

3482. Nothing which is done or maintained under the express authority of a statute can be deemed a nuisance.

3482.1. (a) As used in this section:

(1) "Person" means an individual, proprietorship, partnership, corporation, club, or other legal entity.

(2) "Sport shooting range" or "range" means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport or law enforcement training purpose.

(3) "Indoor shooting range" means a totally enclosed facility designed to offer a totally controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation and lighting systems, and acoustical treatment for sound attenuation suitable for the range's approved use.

(4) "Nighttime" means between the hours of 10 p.m. and 7 a.m.

(b) (1) Except as provided in subdivision (f), a person who operates or uses a sport shooting range in this state shall not be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation at the time construction or operation of the range was approved by a local public entity having jurisdiction in the matter, or if there were no such laws or ordinances that applied to the range and its operation at that time.

(2) Except as provided in subdivision (f), a person who operates

CALIFORNIA CODE OF REGULATIONS, TITLE 25 DIVISION 1 CHAPTER 2

accessory building or structure, or building component may be approved by the department as alternates, in accordance with section 1016 of this chapter.

(c) To provide for unanticipated water entering the area beneath a unit, accessory building or structure, or building component, that area shall be sloped to provide for drainage to an approved outside drainage way. Other positive passive drainage methods may be approved by the department as an alternate, in accordance with section 1016 of this chapter.

(d) Drainage from a lot, site, roadway or park area shall be directed to a surface or subsurface drainage way and shall not drain onto an adjacent lot, or site.

(e) All vegetation shall be cleared from the area of the lot beneath a unit or accessory building or structure.

(f) Fills necessary to meet the grading requirements of this subsection shall comply with section 1045 of this chapter.

(g) Minor fills that do not exceed six (6) inches in depth that are made with a compacted class 2 aggregate, do not require additional approvals.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18254 and 18610, Health and Safety Code.

§ 1118. Lot Occupancy.

(a) A lot shall accommodate only one (1) unit. However, when used as a frequent means of transportation, a self-propelled recreational vehicle or truck mounted camper may be parked beside the occupied unit. That vehicle shall not be occupied or connected to the lot's utility facilities or interconnected with the occupied unit.

(b) In no case shall a truck mounted camper be occupied, if removed from the truck.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18605 and 18610, Health and Safety Code.

§ 1120. Rubbish and Accumulation of Waste Material.

(a) Occupants shall keep the lot area and the area under, around, or on their unit and accessory buildings or structures free from an accumulation of refuse, rubbish, paper, leaves, brush or other combustible material.

(b) Waste paper, hay, grass, straw, weeds, litter, or combustible flammable waste, refuse, or rubbish of any kind shall not be permitted, by the park owner or operator, to remain upon any roof or on any vacant lot, open space, or common area.

(c) The park area shall be kept clean and free from the accumulation of refuse, garbage, rubbish, excessive dust, or debris.

(d) The park operator shall ensure that a collection system is provided and maintained, with covered containers, for the safe disposal of rubbish.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18610 and 18691, Health and Safety Code.

§ 1122. Emergency Information.

The requirements of this section shall be printed and posted in a conspicuous place on the premises and shall contain the following information:

(a) List the following telephone numbers:

- (1) Fire Department
- (2) Police Department or Sheriff's Office.
- (3) Park Office.
- (4) The responsible person for operation and maintenance.
- (5) Enforcement agency.

(b) List the following locations:

- (1) Nearest fire alarm box, when available.
- (2) Park location (street or highway numbers)
- (3) Nearest public telephone

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18691, Health and Safety Code.

CALIFORNIA CODE OF REGULATIONS. TITLE 25 DIVISION 1 CHAPTER 2

Article 3. Electrical Requirements

§ 1130. Application and Scope.

(a) The requirements of this article shall apply to all parks, accessory buildings or structures, and units (except within permanent buildings) in all parts of the state, to the construction, installation, alteration, repair, use, and maintenance of all electrical wiring and equipment for supplying electrical energy to all units.

(b) Existing electrical construction, connections, and installations made before the effective date of the requirements of this chapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.

NOTE: Authority cited: Sections 18300, 18610 and 18670, Health and Safety Code. Reference: Sections 18610 and 18670, Health and Safety Code.

§ 1132. Permanent Building Electrical Regulations

Requirements for electrical equipment and installations within permanent buildings in parks are found in the California Electrical Code.

NOTE: Authority cited: Sections 18300, and 18670, Health and Safety Code. Reference: Section 18300 and 18670, Health and Safety Code.

§ 1134. Electrical Requirements.

(a) Except as otherwise permitted or required by this article, all electrical equipment and installations outside of permanent buildings in parks shall comply with the requirements for installations of 600 volts or less found in the California Electrical Code.

(b) All overhead electrical supply conductors and supporting structures used for supplying the park electrical system shall comply with the applicable requirements of the current California Public Utilities Commission Rules for Overhead Electrical Line Construction, General Order No. 95.

(c) All underground electric supply conductors used for supplying the park electrical system shall comply with the applicable requirements of the current California Public Utilities Commission, Rules for Underground Electrical Supply and Communications Systems, General Order No. 128.

(d) All additions or alterations to existing or new parks shall have plans submitted in compliance with section 1034 of this chapter.

(e) Except as otherwise permitted or required, all high voltage (exceeding 600 volts) electrical installations outside of permanent buildings within parks, shall comply with the applicable requirements of Title 8, California Code of Regulations, Chapter 4, Subchapter 5, Group 2, High Voltage Electrical Safety Orders.

(f) If there is any conflict between the provisions of this chapter and the California Electrical Code, the provisions of this chapter shall prevail.

Note: General Order Numbers 95 and 128 may be obtained from the California Public Utilities Commission (CPUC), Technical Library, 505 Van Ness Ave., San Francisco, CA 94102 or by calling the CPUC at (415) 703-1713. They may also be viewed on line at www.cpuc.ca.gov.

NOTE: Authority cited: Sections 18300 and 18670, Health and Safety Code. Reference: Sections 18610 and 18670, Health and Safety Code.

§ 1136. Conductors and Equipment.

(a) 600 volts or less. For purposes of this chapter, all electrical conductors and equipment rated at 600 volts or less, installed outside of permanent buildings in park electrical wiring systems constructed, or approved for construction, shall be listed and labeled as approved for their intended use.

(b) Greater than 600 volts. Conductors and equipment installed in systems operated at more than 600 volts shall comply with the applicable provisions contained in the California Electrical Code, Article 490, and the High Voltage Safety Orders contained in Title 8, California Code of Regulations, Chapter 4, Subchapter 5, Group 2.

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(b) For purposes of this chapter patios and paved or concreted areas on grade, are not included in the measurement of the occupied area.

NOTE: Authority cited: Sections 18300 and 18691, Health and Safety Code. Reference: Sections 18610 and 18691, Health and Safety Code.

§ 1112. Required Toilet and Shower Facilities.

Toilets, showers, and lavatories shall be provided as follows:

(a) In parks constructed before July 7, 2004, and operated for dependent and independent units, the following minimum ratio of toilets, showers, and lavatories for each gender shall be maintained:

Lots	Toilets	Showers	Lavatories
1-25	1	1	1
26-70	2	2	2

One additional toilet shall be provided for each gender, for each one-hundred (100) additional lots, or fractional part thereof in excess of seventy (70) lots.

(b) In parks constructed on or after July 7, 2004, and operated for dependent and independent units, at least one (1) toilet, shower, and lavatory, for each gender, for each twenty-five (25) lots shall be maintained.

(1) Independent, individually enclosed, lockable facilities for a single toilet and lavatory or shower, may be designated as unisex on an equal one (1) to one (1) ratio to gender-designated facilities, as described in this section, provided the number of gender-designated facilities remains equal.

(2) Sufficient toilets shall be reserved for the exclusive use of the occupants of the lots in the park.

(3) Parks constructed and operated exclusively for independent units need not provide public toilets, showers, or lavatories.

(4) Toilets, lavatories, and showers shall be within five-hundred (500) feet of all dependent unit lots or lots not provided with a lot water service outlet and a three (3) inch lot drain inlet.

(5) Toilet, lavatory, and shower facilities shall be separated and distinctly marked for each gender or unisex.

(6) Showers shall be provided with hot and cold running water. Each shower shall be contained within a separate compartment. Each shower compartment shall be provided with a dressing area of not less than six (6) square feet of floor area that shall have hooks for hanging clothing and a bench or chair for use by the occupant.

(7) Toilets shall be installed in separate compartments.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18620, 18630, and 18640, Health and Safety Code.

§ 1114. Animals.

(a) Dogs and other domestic animals, and cats (domestic or feral) shall not be permitted to roam at large (free) in any park.

(b) Animal feces shall not be permitted to accumulate on any lot or common area in a park to the extent that they create a nuisance.

NOTE: Authority cited: Section 18300, and 18601 Health and Safety Code. Reference: Section 18601, Health and Safety Code.

§ 1116. Lot and Park Area Grading.

(a) The park area and park roadways shall be so graded that there will be no depressions in which surface water will accumulate and remain for a period of time that would constitute a health and safety violation as determined by the enforcement agency. The ground shall be sloped to provide storm drainage run-off by means of surface or subsurface drainage facility.

(b) Each lot shall be graded to prevent the migration of water to the underfloor area of a unit, or accessory building or structure, or building component. Other methods to prevent the migration of water beneath a unit,

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provided with an approved polarized multi-prong plug. One (1) prong of the plug shall be for the sole purpose of connecting that grounding conductor, by means of a listed and approved grounding receptacle, to the grounded terminal at the lot service. The conductor shall be insulated and identified by a green color.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18550 and 18670, Health and Safety Code.

§ 1164. Feeder Assembly.

The neutral conductor and the equipment grounding conductor of the feeder assembly supplying service equipment, shall be connected to the grounding electrode at each lot service enclosure.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.

§ 1166. Grounding Conductors.

Only copper grounding conductors shall be used to connect electrical systems to a grounding electrode. Grounding conductors shall be protected from physical damage by cabinet enclosures, raceways, or cable armor.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.

§ 1170. Protection of Outdoor Equipment.

(a) All electrical equipment, including switches, circuit breakers, receptacles, lighting fixtures, control equipment, and metering devices located in either damp or wet locations or outside of a unit, accessory building or structure, or a building component designed as a weatherproof structure, shall be constructed of, or installed in, equipment approved for damp or wet locations.

(b) Meter sockets, without meters installed, shall be blanked off with an approved blanking plate before the service is energized.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.

§ 1176. Aluminum Conductors.

(a) Connections of aluminum conductors shall be made only inside boxes or equipment enclosures which are designed and installed to prevent the entry or accumulation of moisture within the enclosure.

(b) Only connectors which are listed for use with aluminum conductors shall be used to connect aluminum conductors. If more than one conductor is connected to a connector, the connector shall be provided with a terminal fitting for each conductor.

(c) Prior to inserting an aluminum conductor into the connector, the conductor from which the insulation has been removed shall be wire-brushed and sealed with an approved oxide-inhibiting joint compound.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.

§ 1178. Mechanical Protection.

Where subject to physical damage from vehicular traffic or other causes, the lot service equipment shall be protected by posts, fencing or other barriers approved by the enforcement agency.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18670, Health and Safety Code.

§ 1180. Lot Service Equipment.

(a) Equipment installed to supply electrical energy to an MH-unit shall be rated at not less than 100-amperes and shall be listed and labeled "Service Equipment", "Suitable for Use as Service Equipment" or "Suitable for Use as Service Equipment for Manufactured Homes or Mobilehomes". When installed in locations where the demand for a single lot exceeds 100-amperes, the MH-unit lot service equipment shall be capable of supplying the required demand. MH-unit lot service equipment shall be capable of supplying not less than the required demand to an MH-unit by the installation of a circuit breaker or fused disconnecting switch for connecting the MH-unit feeder assembly by a permanent wiring method. The rating of the overcurrent protection in the MH-unit lot service

CALIFORNIA CODE OF REGULATIONS, TITLE 25 DIVISION 1 CHAPTER 2

(e) Parks constructed after January 1, 1997, shall have individual gas meters for each lot and shall be served by gas distribution facilities owned, operated, and maintained by the gas corporation, as defined in section 222 of the Public Utilities Code, providing gas service in the area.

NOTE: Authority cited: Sections 18300 and 18690, Health and Safety Code. Reference: Section 18690, Health and Safety Code, and Section 2791 Public Utilities Code.

§ 1228. Mechanical Protection.

Where subject to physical damage from vehicular traffic or other causes, all gas riser outlets, regulators, meters, valves, tanks or other exposed equipment shall be protected by posts, fencing, or other barriers approved by the enforcement agency.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18690, Health and Safety Code.

§ 1229. Regulator and Relief Vents.

Atmospherically controlled regulators shall be installed in such a manner that moisture cannot enter the regulator vent and accumulate above the diaphragm. Where the regulator vent may be obstructed because of snow or icing conditions, a shield, hood, or other device approved by the enforcement agency shall be provided to guard against closing the vent opening.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18690, Health and Safety Code.

§ 1230. Required Gas Supply.

(a) The minimum hourly volume of gas required at each lot outlet, or any section of a park gas piping system shall be calculated as shown in Table 1230-1.

(b) Required gas supply for other fuel gas consuming appliances connected to the park gas piping system shall be calculated as provided in the California Plumbing Code, Chapter 12.

TABLE 1230-1	
Demand Factors for Use in Calculating Gas Piping Systems in Parks	
Number of Lots	BTU Per Hours Per Lot
1	125,000
2	117,000
3	104,000
4	96,000
5	92,000
6	87,000
7	83,000
8	81,000
9	79,000
10	77,000
11-20	66,000
21-30	62,000
31-40	58,000
41-60	55,000
Over 60	50,000

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18690, Health and Safety Code.

CALIFORNIA CODE OF REGULATIONS, TITLE 25 DIVISION 1 CHAPTER 2

Article 5. Plumbing Requirements

§ 1240. Application and Scope.

(a) The requirements of this article shall apply to the construction, installation, arrangement, alteration, use, maintenance, and repair of all plumbing equipment and installations to supply water to, and dispose sewage from, units, accessory buildings or structures and permanent buildings in all parts of the state.

(b) Existing plumbing construction, connections, and installations made before the effective date of the requirements of this chapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.

NOTE: Authority cited: Sections 18300, 18554, 18610, and 18630, Health and Safety Code. Reference: Section 18554, 18610, and 18630, Health and Safety Code

§ 1246. Basic Plumbing Regulations.

(a) Except as otherwise permitted or required by this article, all requirements for plumbing equipment and installations outside of permanent buildings in parks shall comply with the California Plumbing Code, with the exception of Chapter 1.

If there is any conflict between the provisions of this chapter and the California Plumbing Code, the provisions of this chapter shall prevail.

(b) All requirements for plumbing equipment and installations within permanent buildings in parks shall comply with the California Plumbing Code, except in a city, county, or city and county, which has assumed enforcement responsibility and has adopted, and is enforcing, a plumbing code equal to or greater than the requirements of this article.

NOTE: Authority cited: Sections 18300 and 18630, Health and Safety Code. Reference: Section 18300, 18630, Health and Safety Code.

§ 1248. Sewage Disposal.

(a) All park drainage systems shall discharge into a public sewer or a private sewage disposal system approved by the local health department.

(b) Septic tanks shall not be located within five (5) feet of any unit, accessory building or structure, or permanent building. Leach or disposal fields shall not be located within eight (8) feet of any unit, accessory building or structure, or permanent building.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18554 and 18630, Health and Safety Code.

§ 1252. Installation.

Listed nonmetallic pipe and fittings installed in park drainage systems shall be installed in accordance with their listing and applicable standards. When installed under roadways, minimum depth of cover for nonmetallic drain pipe shall be thirty-six (36) inches. The pipe shall be bedded on a minimum of three (3) inches of clean sand and shall be backfilled with a minimum cover depth of six (6) inches of clean sand, granulated earth or similar material. The trench shall then be backfilled in thin layers to a minimum of twelve (12) inches above the top of the nonmetallic pipe with clean earth, which shall not contain stones, boulders or other materials, which would damage or break the pipe.

NOTE: Authority cited: Sections 18300 and 18630, Health and Safety Code. Reference: Sections 18610 and 18630, Health and Safety Code.

§ 1254. Lot Drain Inlet.

(a) Each lot shall be provided with a drain inlet not less than three (3) inches in diameter and shall be connected to an approved sewage disposal system.

(b) Drain inlets shall be provided to accommodate a threaded or clamp-type fitting for connecting drain connectors at proper grade. The drain inlet shall be accessible at ground level. The vertical riser of a drain inlet

CALIFORNIA CODE OF REGULATIONS, TITLE 25 DIVISION 1 CHAPTER 2

shall not exceed three (3) inches in height above the concrete supporting slab. Drain inlets shall be gas-tight when not in use.

(c) Each drain inlet shall be protected from movement by being encased in a concrete slab not less than three and one-half (3½) inches thick and which surrounds the inlet by not less than six (6) inches on any side

(d) Drain inlets and extensions to grade shall be of material approved for underground use.

(e) The lot drain inlet shall be located within four (4) feet of the outside of the unit, or under the unit within eighteen (18) inches of the exterior wall of the unit.

NOTE: Authority cited: Sections 18300 and 18630, Health and Safety Code. Reference: Section 18630, Health and Safety Code.

§ 1258. Trap.

When a unit is installed, or proposed to be installed, and its plumbing fixtures are not protected by approved traps and vents, a lot drain inlet shall be provided with an approved trap.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18630, Health and Safety Code.

§ 1260. Venting.

Where a drain inlet trap is provided, it shall be individually vented with a vent pipe of not less than two (2) inches interior diameter unless the system is a wet vented system as provided in section 1264 of this article.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18630, Health and Safety Code.

§ 1262. Vent Location and Support.

All vent pipes in outdoor locations shall be located at least ten (10) feet from an adjoining property line and shall extend at least ten (10) feet above ground level. All vent pipes shall be supported by at least the equivalent of a four (4) inch by four (4) inch nominal dimension redwood post securely anchored in the ground. One-piece galvanized iron vent pipes may be self-supporting if securely anchored at their base in concrete at least twelve (12) inches in depth and extending a minimum four (4) inches out from the pipe.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18630, Health and Safety Code.

§ 1264. Wet Vented Systems.

(a) In lieu of the individual vents, the park drainage system may be wet vented by means of a combination drain, waste, and vent system. Wet vented systems in which the trap for one or more lots is not individually vented shall be of sufficient size and provided with an adequate vent or vents to assure free circulation of air. Wet vented drainage systems may be permitted only when each such system conforms to Table 1268-1 and Table 1268-2 and all of the following requirements for such systems:

(b) A wet vented drainage system shall have a terminal vent installed not more than fifteen (15) feet downstream from the uppermost trap on any branch line and shall be relief vented at intervals of not more than one hundred (100) feet or portion thereof.

(c) Wet vented drainage laterals shall be not more than six (6) feet in length for three (3) inch diameter pipe and not more than fifteen (15) feet in length for four (4) inch diameter pipe.

(d) No vertical drain pipe shall be permitted in any wet vented drainage system, except the tail pipe of the trap or riser of the drain inlet. Tail pipes shall be as short as possible, and in no case shall exceed two (2) feet in length.

NOTE: Authority cited: Sections 18300 and 18630, Health and Safety Code. Reference: Section 18630, Health and Safety Code.

§ 1266. Systems Without Traps.

Terminal or relief vents are not required for drainage systems without traps.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18630, Health and Safety Code.

CALIFORNIA CODE OF REGULATIONS, TITLE 25 DIVISION 1 CHAPTER 2

§ 1280. Mechanical Protection.

Where subject to physical damage, all park water service outlets shall be protected by posts, fencing, or other barriers approved by the enforcement agency.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Section 18630, Health and Safety Code

§ 1284. Water Conditioning Equipment.

(a) A permit shall be obtained from the enforcement agency prior to installing any regenerating water conditioning equipment on a lot. Approval of the park operator is required on all applications for a permit to install such equipment. Where the water conditioning equipment is of the regenerating type, and the park drainage system discharges into a public sewer, approval of the sanitary district or agency having jurisdiction over the public sewer is required prior to issuance of the permit.

(b) Regenerating water conditioning equipment shall be listed and labeled by an approved listing agency.

(c) Regenerating units shall discharge the effluent of regeneration into a trap not less than one and one-half (1½) inches in diameter connected to the park drainage system. An approved air gap shall be installed on the discharge line a minimum of twelve (12) inches above the ground. The trap need not be vented.

(d) Electrical supply connections to regenerating water conditioning equipment shall comply with the requirements of this chapter.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18630 and 18670, Health and Safety Code.

CALIFORNIA CODE OF REGULATIONS, TITLE 25 DIVISION 1 CHAPTER 2

Article 10. Violations, Abatement, and Hearings.

§ 1600. Application and Scope.

(a) The substandard conditions and abatement requirements contained in this article shall apply to parks, permanent buildings or structures in parks, units, accessory buildings or structures, and building components wherever they are located both within and outside of parks in all parts of the state.

(b) Existing construction, connections, and installations made before the effective date of the requirements of this chapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.

NOTE: Authority cited: Sections 18300, 18605 and 18610, Health and Safety Code Reference: Sections 18300, 18404, 18605 and 18610, Health and Safety Code

§ 1605. Substandard Permanent Buildings.

Any permanent building, structure, or portion thereof, or the premises on which it is located, shall be deemed substandard and a nuisance when any of the following conditions exist that endanger the life, limb, health; property, safety, or welfare of the occupants or the public.

(a) Health hazards or inadequate sanitation that include, but are not limited to, the following:

- (1) Where required, the lack of, inoperable, or defective water closet, lavatory, bathtub or shower.
- (2) Where required, the lack of, inoperable, or defective kitchen sink.
- (3) Lack of or inadequate hot and cold running water to plumbing fixtures.
- (4) Dampness of habitable rooms.
- (5) Infestation of insects, vermin or rodents.
- (6) General dilapidation or improper maintenance.

(7) Lack of or defective connection of plumbing fixtures to a sewage disposal system

(8) Lack of adequate garbage and rubbish storage and removal facilities.

(b) Structural hazards, which include, but are not be limited to, the following:

- (1) Deteriorated or inadequate foundations.
- (2) Defective or deteriorated flooring or floor supports.
- (3) Flooring or floor supports of insufficient size to carry imposed loads with safety.
- (4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
- (5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

(6) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

(8) Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.

(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(10) Lack of minimum amounts of required natural light and ventilation.

(c) A nuisance as defined in subsection 1002.

(d) Electrical hazards which include, but are not limited to, the following:

(1) All electrical wiring that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good and safe condition, or is not being used in a safe manner.

(2) Lack of, inoperable, or defective required electrical lighting.

(e) Plumbing that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good or safe condition, or has cross-connections and siphonage between fixtures.

(f) Mechanical equipment, including heating equipment and its vents, that did not conform with all applicable laws and regulations in effect at the time of its installation or which has not been maintained in good and safe condition, or is not being used in a safe manner.

(1) Inoperable or defective heating facilities.

CALIFORNIA CODE OF REGULATIONS. TITLE 25 DIVISION 1 CHAPTER 2

- (2) Inoperable or defective ventilating equipment.
- (g) Faulty weather protection shall include, but not be limited to, the following:
 - (1) Deteriorated roofs.
 - (2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.
 - (3) Defective or lack of weather protection for exterior wall coverings.
 - (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- (h) Any building, structure, or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- (i) Materials or construction not allowed or approved by this chapter or which have not been adequately maintained in good and safe condition.
- (j) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.
- (k) All buildings or portions thereof not provided with adequate exit facilities as required by this chapter, except those buildings or portions thereof whose exit facilities conformed with all applicable laws and regulations at the time of their construction.
- (l) All buildings, structures, or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this chapter, except those buildings, structures, or portions thereof which conformed with all applicable laws and regulations at the time of their construction.
- (m) All buildings, structures, or portions thereof occupied for living sleeping, cooking, or dining purposes which are not designed or intended to be used for these occupancies.
- (n) Room and space dimensions less than required by this chapter.

NOTE: Authority cited: Section 18300, Health and Safety Code. Reference: Sections 18254, 18402, 18404, 18620, 18630, 18640, 18670, 18690, and 18691, Health and Safety Code.

§ 1606. Substandard MH-unit.

Any MH-unit shall be deemed substandard and a nuisance when any of the following conditions exist that endanger the life, limb, health, property, safety, or welfare of the occupants or the public.

- (a) Health hazards or inadequate sanitation that include, but not be limited to, the following:
 - (1) Lack of, inoperable, or defective water closet, lavatory, bathtub or shower.
 - (2) Lack of, inoperable, or defective kitchen sink.
 - (3) Lack of or inadequate hot and cold running water to plumbing fixtures.
 - (4) Dampness of habitable rooms.
 - (5) Infestation of insects, vermin, or rodents.
 - (6) General dilapidation or improper maintenance.
 - (7) Lack of or defective connection of plumbing fixtures to a sewage disposal system.
- (b) Structural hazards include, but are not limited to, the following:
 - (1) Deteriorated or inadequate foundation or stabilizing devices.
 - (2) Defective or deteriorated flooring or floor supports.
 - (3) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
 - (4) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.
 - (5) Lack of adequate or defective ventilation.
 - (6) Lack of adequate room and space dimensions.
- (c) Nuisance as defined in section 1002.
- (d) Electrical hazards include, but are not limited to, the following:
 - (1) All electrical wiring that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good and safe condition, or is not being used in a safe manner.



PLANNING & BUILDING DEPARTMENT

INSPECTION REPORT

August 31, 2005

(Note: Strikeouts have been corrected as of October 21, 2005, Italics added October 21, 2005)

1. Throughout the park, the electrical pedestals and panels are in a state of disrepair, are not properly grounded, have parts missing or badly corroded, and are at distances in excess of 4 feet from the mobile home. Due to the lack of maintenance, the circuit may be interrupted to the neutral, causing serious voltage spikes in the homes, damaging appliances and creating a dangerous condition for the occupants.

As a result of the above defects, the electrical system is declared substandard. The electrical system must be replaced to current standards. CCR Title 25 Article 3 Section 1130 (b), Article 10 Section 1605(d)(1).

2. ~~Gas lines and regulators at 13 locations along roadways throughout the park have no, or insufficient, protection from impact. 4" diameter steel bollards 6 feet long, filled with concrete set in 12" min. diameter concrete footings must be installed at each location to provide complete protection (minimum of 2 bollards per location). CCR Title 25 Article 4 Section 1228.~~
This item has been corrected as of October 21, 2005.

3. Gas meters, electrical and water connections in carports are unprotected from impact. Bollards must be installed at each exposed utility location. CCR Title 25 Article 3 Section 1178, Article 4 Section 1228, and Article 5 Section 1280.

4. Cabinets and pedestals for telephone and cable television are in a substantial state of disrepair and deterioration, and are declared substandard. New, all weather enclosures must be installed, wiring must be properly contained and all connecting blocks and mechanisms must be properly mounted and protected from weather. CCR Title 25 Article 3 Section 1170.

5. Deteriorated roads and driveways must be patched and re-surfaced. Driveways and yards at mobile homes must be filled and sloped to drain away from home to prevent water accumulation in driveway and under home. Surfacing must conform to Fire Department Standards. CCR Title 25 Article 2 Section 1116 and 2001 California Fire Code Part III Article 9 Section 902.2.2.2.

6. Trash pickup service is insufficient and declared substandard. Frequency of pickup or quantity of containers must be approximately doubled to provide sufficient capacity to keep lids of containers tightly closed and prevent spillage outside of bins between pickup cycles. Curbside service may be a better alternative for residents. CCR Title 25 Article 2 Section 1120

(d), and Article 10 Section 1605(a)(8).

7. ~~Board and Secure abandoned mobile home in space D-41 against entry or remove from park. This home is declared substandard and a public nuisance. Remove illegal additions and storage units. CCR Title 25 Article 10 Section 1606(a)(6), California Civil Code Sections 3479 and 3480. This item has been corrected as of October 21, 2005.~~

8. All items in Fire Department Inspection Report dated 7/30/2004 must be corrected. CCR Title 25 Article 10 Section 1605(h).

9. All cast iron hubs at sewer connections are deteriorated to the point they are no longer able to provide a positive seal, are declared substandard and shall be replaced with new. Entire sewer drain line system is to be inspected by camera for condition, and report submitted to Code Enforcement for review. CCR Title 25 Article 5 Section 1254(b),(c).

The following timeframes to correct Final Notice of Violation HI05-0745 are in effect:

a. Brentwood Mobile Home Park must design, permit, and replace the electrical distribution system to the individual spaces throughout the park and must retain the services of a California Licensed Electrical Engineer to provide design and plans for permit.

b. Brentwood is required to retain the services of a California Licensed Professional Electrical Engineer who shall submit preliminary plans prepared by a California Licensed Professional Engineer to the Building Department within 14 calendar days of the date of Final Notice of Violation, and submit for permit to the City of Chula Vista complete plans for a complete system throughout the park within 14 calendar days of approval of the submitted preliminary plan.

c. Subsequent to approval by the City of Chula Vista, a California Licensed Electrical Contractor shall be hired by Brentwood within 30 calendar days of permit approval, and shall commence work within 45 calendar days of permit approval. Construction shall continue uninterrupted until completion and final inspection approval have been accomplished.

d. 4" diameter steel bollards 6 feet long, filled with concrete must be installed at each of the 13 roadside locations within 30 calendar days from the date of Notice of Violation.

e. Bollards at gas meters, electrical and water connections in all carports must be installed at each exposed utility location within 60 calendar days of the date of this Notice of Violation.

f. Cabinets and pedestals for telephone and cable television must be installed, wiring must be properly contained and all connecting blocks and mechanisms must be properly mounted and protected from weather within 45 days of the date of this Final Notice of Violation.

g. Deteriorated roads and driveways must be patched and re-surfaced, driveways and yards at mobile homes must be filled and sloped to drain away from home within 90 calendar days of completion of installation and final inspection of fire protection system.

h. Trash pickup service frequency of pickup or quantity of containers must be *appropriately increased* ~~approximately doubled~~ within 14 calendar days of the date of this Notice of Violation.

i. ~~Board and Secure abandoned mobile home in space D-41 against entry or remove~~

from park and remove illegal additions and storage units within 14 calendar days of the date of this Notice of Violation. *This item has been corrected as of October 21, 2005.*

j. All items in Fire Department Inspection Report dated 7/30/2004 must be corrected within 45 calendar days of the date of this Final Notice of Violation, with the exception of the installation of the fire protection system referenced in Final Notice of Violation HI05-0225 (Fire Protection), which must be completed within the timeframes mentioned in that Final Notice of Violation.

k. All cast iron hubs at sewer connections are deteriorated to the point they are no longer able to provide a positive seal, and shall be replaced with new. Entire sewer drain line system is to be inspected by camera for condition, and report submitted to Code Enforcement for review within 60 calendar days of the date of this Final Notice of Violation.



PLANNING AND BUILDING DEPARTMENT
BUILDING DEPARTMENT
276 FOURTH AVENUE CHULA VISTA, CA 91910
PHONE NO: (619) 691-5280 FAX NO.: (619) 585-5681

MOBILE HOME PARK NOTICE OF VIOLATION *First Notice* *X Final Notice*

Notice Date: 10/21/2005 Violation Date(s): 8/31/2005 Case Number: HI05-0745

Mobile Home Park Name: BRENTWOOD MOBILE HOME PARK

Space Number / Location: PARKWIDE

Occupant Name: BRENTWOOD MOBILE HOME PARK

Owner/Manager/Employee Name & Address: HALL TRUST 03-02-00*NSNS10/40#FISH LEON H TR*CON
P O BOX 3201 YOUNTVILLE CA 94599

You are hereby notified the violations itemized in the enclosed letter dated October 21, 2005, were not corrected within the timeframes required by the Notice of Violation dated August 31, 2005. You are required to correct the items listed in the letter dated October 21, 2005.

In the event you fail to correct the violations itemized in the letter dated October 21, 2005, within the days listed, you will be charged with a misdemeanor, punishable by a fine not exceeding \$400 or by imprisonment not exceeding 30 days, or both, and the City Of Chula Vista may bring a civil action in Superior Court of the County of San Diego per section 18700 of the California Health and Safety Code. You have the right to request a conference per Section 18421.

If you fail to comply with the schedule identified above and within the inspection report, further enforcement action will be taken which may result in the assessment of full cost recovery and/or other related fines or penalties as authorized by CVMC Sec. 1.41.060 which is printed on attachments to this Notice. These charges will include all personnel costs for time spent conducting investigations, enforcement, and remediation or abatement of the violation as described in CVMC Section 1.41.140 which is printed on attachments to this Notice. The City will bill the responsible person(s) for these costs, and if the costs are not paid, the City may seek payment by placing a lien against the property or by assessing the costs in the same manner as municipal taxes.

Contact the City Code Enforcement Officer listed below at (619) 409-3844 if you have any questions concerning this matter.

Don Johnson AIA

Senior Code Enforcement Officer

(Note: see reverse side of this Notice and attachments)

PLEASE TAKE THIS NOTICE WITH YOU WHEN APPLYING FOR PERMITS

Building and planning permits may be applied for at the building counter or planning counter at 276 fourth avenue, Chula Vista CA. Please telephone (619) 691-5272 for general information about getting the required permits and/or (619) 585-5621 for zoning and sign permit information.

18421. If the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome disputes a determination by the enforcement agency regarding the alleged violation, the alleged failure to correct the violation in the required timeframe, or the reasonableness of the deadline for correction specified by the notice of violation, the owner or operator of the mobilehome park or the registered owner of the manufactured home or mobilehome may request an informal conference with the enforcement agency. The informal conference, and any subsequent hearings or appeals of the decision of the enforcement agency, shall be conducted in accordance with procedures prescribed by the department.

FAILURE TO COMPLY WITH THIS NOTICE OF VIOLATION MAY RESULT IN ANY ONE OR A COMBINATION OF THE FOLLOWING ENFORCEMENT ACTIONS.

18700. Any person who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding four hundred dollars (\$400) or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

Any permitholder who willfully violates this part, building standards published in the State Building Standards Code relating thereto, or any other rules or regulations adopted by the department pursuant to this part, shall be liable for a civil penalty of five hundred dollars (\$500) for each violation or for each day of a continuing violation. The enforcement agency shall institute or maintain an action in the appropriate court to collect any civil penalty arising under this section.

Title 25 Chapter 2 Subchapter 1 Article 10 1617 Consequences of Failure to Abate.

(a) It is unlawful for the person ordered to abate a violation to fail to or refuse to remove and abate that violation within the time period allowed in the order after the date of posting of an order on the cited unit, structure, or property or receipt of an order. After the expiration of the time period allowed for an order related to a violation, the enforcement agency has the authority to initiate any appropriate action or proceeding to abate the violation, including but not limited to seeking a court order for abatement by a receiver or other person.

Title 25 Chapter 2 Subchapter 1 Article 10 1618 Responsibility for Costs

(a) The registered owner of the unit, or any other cited person or entity that fails to correct a violation within the time allotted in the original correction order, or any extension thereto, shall be held responsible for the costs of abatement of the violation. Costs of abatement, for purposes of this section, may include the enforcement agency's investigative and case preparation costs, court costs and attorney fees, the cost associated with any physical actions taken to abate the violation, and any technical service or other fees due to the enforcement agency related to the abatement activity.

(See attachments for CVMC Section 1.41.060 and 1.41.140).

2001 CALIFORNIA FIRE CODE

902.2.2.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

CALIFORNIA CIVIL CODE

3479 Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a nuisance.

3480 A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

CALIFORNIA CODE OF REGULATIONS, TITLE 25 DIVISION 1 CHAPTER 2

1130 (b) Existing electrical construction, connections, and installations made before the effective date of the requirements of this chapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be substandard.

1605 Any permanent building, structure, or portion thereof, or the premises on which it is located, shall be deemed substandard and a nuisance when any of the following conditions exist that endanger life, limb, health, property, safety or welfare of the occupants or the public.

(a) Health hazards or inadequate sanitation that include, but are not limited to, the following:

(8) Lack of adequate garbage and rubbish storage and removal facilities.

(d) Electrical Hazards which include, but are not limited to, the following:

(1) All electrical wiring that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good and safe condition, or is not being used in a safe manner.

(h) Any building, structure, or portion thereof, device, apparatus, equipment, combustible waste or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

1178 Where subject to physical damage from vehicular traffic or other causes, the lot service equipment shall be protected by posts, fencing or other barriers approved by the enforcement agency.

1228 Where subject to physical damage from vehicular traffic or other causes, all gas riser outlets, regulators, meters, valves, tanks or other exposed equipment shall be protected by posts, fencing or other barriers approved by the enforcement agency.

CALIFORNIA CODE OF REGULATIONS, TITLE 25 DIVISION 1 CHAPTER 2 (cont)

1280 Where subject to physical damage, all park water service outlets shall be protected by posts, fencing or other barriers approved by the enforcing agency.

1170 (a) All electrical equipment, including switches, circuit breakers, receptacles, lighting fixtures, control equipment, and metering devices located in either damp or wet locations or outside of a unit, accessory building or structure, or a building component designed as a weatherproof structure, shall be constructed of, or installed in, equipment approved for damp or wet locations.

1116 Lot and Park Area Grading. (a) The park area and park roadways shall be so graded that there will be no depressions in which surface water will accumulate and remain for a period of time that would constitute a health and safety violation as determined by the enforcement agency. The ground shall be sloped to provide storm drainage run-off by means of surface or sub-surface drainage facility. (b) Each lot shall be graded to prevent the migration of water to the under floor area of a unit, or accessory building or structure, or building component. Other methods to prevent the migration of water beneath a unit, or accessory building or structure, or building component may be approved by the department as alternatives, in accordance with section 1016 of this chapter.

1120 Rubbish and Accumulation of Waste Material. (d) The park operator shall ensure that a collection system is provided and maintained, with covered containers, for the safe disposal of rubbish.

1254 Lot Drain Inlet (b) Drain inlets shall be provided to accommodate a threaded or clamp-type fitting for connecting drain connectors at proper grade. The drain inlet shall be accessible at ground level. The vertical riser of a drain inlet shall not exceed three (3) inches in height above the concrete supporting slab. Drain inlets shall be gas-tight when not in use. (c) Each drain inlet shall be protected from movement by being encased in a concrete slab not less than three and one-half (3-1/2) inches thick and which surrounds the drain inlet by not less than six (6) inches on any side.

Chula Vista Municipal Code

1.41.060 Reinspection fees.

A. Reinspection fees are authorized to recover city costs when excessive time and effort becomes necessary to obtain code compliance. Reinspection fees are an appropriate method to recover costs that are disproportionately attributable to recalcitrant responsible parties.

B. After a notice of violation or an administrative citation is issued, or an order is issued by or under the authority of a director which requires corrective action by a responsible party, that party will be notified that it will be liable for any reinspection fees necessary if the condition remains uncorrected. The first inspection following the issuance of the notice of violation, citation or order is considered part of the normal cost of enforcement and will not be charged if the condition is then promptly corrected. Otherwise, it will be included as part of the costs of enforcement.

Chula Vista Municipal Code (cont)

C. Reinspection fees may be collected and enforced as part of the enforcement process or in combination with other administrative proceedings under this chapter, provided the responsible party was notified in advance of its liability for reinspection fees under subsection (B) of this section. Appeals, service of notice and hearing procedures are established in Chapter 1.40 CVMC.

D. Reinspection fees will be charged on the basis of actual staff time utilized for the inspection(s), based upon the master fee schedule on file in the office of the city clerk. (Ord. 2718 § 3, 1998).

1.41.140 Cost recovery.

Pursuant to Government Code Section 38773, costs and penalties that may be recovered and enforced against responsible parties under this chapter include, but are not limited to, the following:

A. City's direct cost for abatement of nuisances, together with applicable overhead;

B. Costs of salary and applicable overhead of those city employees and contract personnel involved in the investigation, enforcement and remediation or abatement of a nuisance;

C. City costs for equipment use or rental;

D. Attorney's fees;

E. Court costs and witness fees;

F. Costs of geotechnical, engineering and other technical services and studies;

G. Administrative fines and civil penalties imposed pursuant to this chapter;

H. Reinspection fees pursuant to CVMC 1.41.060;

I. Costs of monitoring programs necessary for correcting, monitoring, abating or mitigating nuisances and violations;

J. Any other fee, cost, or expense reasonably and rationally related to the city's enforcement efforts to abate a nuisance or correct a violation of this code or applicable state law;

K. Treble damages recoverable pursuant to Government Code Section 38773.7. (See CVMC 1.41.160(C)). (Ord. 2718 § 3, 1998).

COVER SHEET

CHULA VISTA FIRE
DEPARTMENT

INSPECTION REPORT

7/30/2004

Chula Vista Fire Department
447 F Street
691-5055

182

Inspection Report

Business Name/Contact Brentwood Park
Site Address Industrial Blvd. Phone Number 422-4645
425-2170
Inspection Type Annual Permit# _____ Occ. R-3 Area 5

Initial & Date	Code Ref.	Compliance Required for Items Listed Below
		SW Corner
	M-1	pile of dead debris in yard, must be removed
		Dead growth must be removed around perimeter of park
		Abrute hazardous growth on palm trees (bushes) ^{especially} on the following species: E-5, E-9, H-11, E-15, D-12, D-8, D-11, D-4, C-12, C-11x2, D-15, A-2, B-1, B-4, B-11, B-15, B-23, B-19, C-26, C-29, E-31, D-31, D-34, D-33, D-37, D-38, C-32, D-41, D-28, I-41, J-29, J-41, M-8, M-12, L-8, L-3
Comments: * Note, there is no water supply within park, nearest hydrant is approx 1100 ft.		

Immediate compliance is required. Failure to comply with the above listed requirements may result in legal action and/or suspension of the operation.

Date of Inspection 7/30/04 Time 1.5 Inspector Talavera/Edmonds ID# FPB5/FPE

Re-inspection Date (1) 8/30/04 (2) _____ (3) _____

Date of Re-inspection (1) _____ Time _____ (2) _____ Time _____ (3) _____ Time _____

Signature of Person Accepting Notice MARIA VALENZUELA

Date: 7-30-04 Title: Park Mgr

2072

Business Name/Contact Brentwood Park
Site Address Industrial Blvd. Phone Number 425-2170
Inspection Type Annual Permit# Occ. R-3 Area 5

Immediate compliance is required. Failure to comply with the above listed requirements may result in legal action and/or suspension of the operation.

Date of Inspection 7/30/04 Time 1.5 Inspector Talavera/Edmonds ID# FPB5/FPB

Re-Inspection Date (1) 8/30/04 (2) _____ (3) _____

Date of Re-inspection (1) _____ Time _____ (2) _____ Time _____ (3) _____ Time _____

Signature of Person Accepting Notice [Signature] Maria Valencia

Date: 7-30-04 Title: Park Manager



CODE ENFORCEMENT SECTION
PLANNING AND BUILDING DEPARTMENT
276 FOURTH AVENUE CHULA VISTA, CA 91910
PHONE NO.: (619) 691-5280 FAX NO.: (619) 585-5681

NOTICE OF VIOLATION

Notice Date: May 2, 2003 Violation Date(s): May 2, 2003 Case Number: 02-1801

Violation Address/Location: 1100 Industrial Blvd

Occupant/Property Owner & Address: _____

Business Name: _____

Owner/Manager/Employee Name & Address: Hall Trust
PO Box 3201 Yountville 94599

You are hereby notified of the following violation(s) of Municipal Code Section(s):

- ☐ Trash, junk and debris littered on property (CVMC 8.24.060)
- ☐ Sign without a permit (CVMC 19.60.020)
- ☐ Graffiti maintained on premises (CVMC 9.20.055)
- ☐ Home Occupation violation (CVMC 19.14.490)
- ☐ Fence violation (CVMC 19.58.150)

☒ Other Mobile Home Parks Act ch. 2 Subch. 1 Article 2 1108 Park lighting

☒ Comments/Corrective Action Repair/replace all street lighting

to provide illumination at all light poles.

The above violation(s) must be corrected by June 6, 2003. The City will conduct a reinspection after that date. If the violation(s) has (have) not been corrected by date shown above, reinspection fees and other related charges will be assessed as authorized by CVMC Sec. 1.41.060. These charges will include all personnel costs for time spent conducting investigations, enforcement, and remediation or abatement of the violation as described in CVMC Section 1.41.140 which is printed on the back of this Notice. The City will bill the responsible person(s) for these costs, and if the costs are not paid, the City may seek payment by placing a lien against the property or by assessing the costs in the same manner as municipal taxes. In addition, administrative citation(s) and/or civil penalties may also be issued and/or imposed, or other action taken as listed on the back of this Notice.

Contact the City Code Enforcement Officer listed below at (619) 691-5280 if you have any questions concerning this matter.

Don Johnson

Code Enforcement Officer Name

BRENTWOOD MHP HEARING

1) THE RESIDENTS HAVE FILED A COMPLAINT WITH CPUC (COPY ATTACHED). ACCORDING TO THE PUC ADVISOR'S OFFICE, THE COMMISSION SHOULD BE AWARE THAT AN ORDER OF THE PUC CONTROLS OVER A LOCAL ORDINANCE WHERE THE TWO CONFLICT.

2) SERIOUS VIOLATIONS OF TITLE 25 AND THE 2001 CAL FIRE CODE WERE IN EFFECT DATING BACK TO 2003. THE SPECIFIC CODE VIOLATIONS CAN BE FOUND IN THE CITY OF CHULA VISTA, PLANNING & BUILDING DEPT., MOBILE HOME PARK NOTICE DATED 6/30/2005. THE RESIDENTS OF BRENTWOOD MHP WERE MADE TO LIVE IN UNSAFE AND UNSANITARY CONDITIONS. THE CURRENT OWNER, BRENTWOOD MHP, LLC, WAS AWARE OF THESE CONDITIONS PRIOR TO THE PURCHASE OF THE MHP IN APRIL OF 2007 AND YET THEY AND COMMUNITY DEVELOPMENT BELIEVE IT IS LEGAL TO PASS THE COST FOR THE CORRECTION OF THESE VIOLATIONS ON TO THE RESIDENTS. SINCE WE HAD REQUESTED INFORMATION CONCERNING THE CODE VIOLATIONS PRIOR TO THE MHRRC HEARING ON MAY 19, 2010, BUT DID NOT RECEIVE THIS INFORMATION UNTIL JUNE 3, 2010, WE ASK THAT YOU NOW TAKE THIS NEW INFORMATION INTO CONSIDERATION.

3) BRENTWOOD MHP, LLC IS IN VIOLATION OF CHULA VISTA MUNICIPAL CODE 9:50 SUB-SECTION 9.50.73Av. BRENTWOOD MHP, LLC IS IN VIOLATION OF PUC CODE 739.5

4) COPY OF RAINBOW DISPOSAL CO. V. ESCONDIDO MOBILEHOME RENT REVIEW BD. (1998) 64 CAL.APP.4TH 1159 (75 CAL.RPTR.2D 746. SPECIFICALLY LOOK AT PAGE 4 OF 10 AND 5 OF 10 WHICH CLEARLY SHOWS THE PUC IN RATES, CHARGES, AND PRACTICES PROHIBITS PARK OWNERS FROM RECOVERING THE COST OF MAINTAINING AND IMPROVING GAS AND ELECTRIC SYSTEMS FROM SUBMETERED TENANTS THROUGH RENT INCREASES.



Complaint Submitted.

Thank you for providing us with your information.
We will respond with a case number after your information has been reviewed.



Complaints

Welcome to the California Public Utilities Commission Consumer Affairs Branch Website. Here you can file a complaint against the company that provides your telephone, energy (electric or gas), or water service.

I wish to follow up on a previously reported complaint:

Enter Complaint Number:

OR

I wish to file a new complaint.

Please fill in the information requested below.

(Please do NOT report the same complaint for a case which is still pending.)

Note: If you have a Safety Related Issue (this includes safety of gas, electric, cable, phone and mobilehome park utilities, such as live wires dangling from power poles, gas leaks etc.), first dial 911 and report the problem. After your call, if you still have a complaint enter your complaint information below.

Items marked with an asterisk [*] are required.
Use the TAB key to move from field to field.

Service Information :

First Name * Last Name *
 If the complaint pertains to your business, enter business name here:
 Street * Unit
 City * Email Address
 State * Daytime Phone * - -
 Zip * -

Contact Information :

If the contact information differs from the address provided above,
please fill in the information below.

First Name Last Name
 Street Unit
 City
 State
 Zip -

Company/Utility Information :

Tell us about the company / utility that your complaint involves.

Utility Name * Account No.

Describe the Complaint :

What is the situation that concerns you?

Please be brief - 1000 characters (about 200 words) max

This is a sub-metered mobile home park. The park was purchased in 2007 by the present owners. At the time of purchase, there were serious health and safety code violations. The electrical system had serious problems, for which the previous owners were fined. As a result the electrical system had to be replaced. Brentwood MHP, LLC is claiming the cost of replacement was \$1,461,172.01. They are allowing a credit of \$93,432.76 based on a discount of \$.272 cents, per space, per day, for a total of \$362.14 per space. According to PUC code 739.5, replacement or repair of an electrical system by a master meter customer is not an allowable pass through to the sub-

What did the utility say when you contacted them?

1000 characters (about 200 words) max

Brentwood MHP, LLC states they can pass this through because they replaced the street lights which are part of the common area and therefore it is allowed as a capital improvement.

What action do you want the CPUC to take?

1000 characters (about 200 words) max

It is imperative that this be stopped immediately as the Rent Review Commission of Chula Vista has heard argument and are going to make a decision on June 16, 2010. All paper work supporting or opposing this application is to be turned in by June 4, 2010. We received notice of this request for documents on June 1, 2010, which does not leave us sufficient time to prepare our documentation.

If you wish to attach any files which pertain to your case, please do so here.

How did you find out about California Public Utilities Commission?

Were you referred here by a Community Based Organization or Consumer Advocacy Group?

If you were referred by a Community Based Organization, please choose from the following list:

If you have selected "OTHERS", please enter the name:



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[US Cases & Codes California Cal.App.4th 64](#)

Rainbow Disposal Co. v. Escondido Mobilehome Rent Review Bd. (1998)
 64 Cal.App.4th 1159 [75 Cal.Rptr.2d 746]

Rainbow Disposal Co. v. Escondido Mobilehome Rent Review Bd. (1998) 64 Cal.App.4th 1159 , 75 Cal.Rptr.2d 746

[No. D027338. Fourth Dist., Div. One. May 26, 1998.]

RAINBOW DISPOSAL COMPANY, INC., Plaintiff and Appellant, v.
 ESCONDIDO MOBILEHOME RENT REVIEW BOARD, Defendant and
 Respondent; CITY OF ESCONDIDO, Real Party in Interest.

(Superior Court of San Diego County, No. N67137, Lisa Guy-Schall,
 Judge.)

(Opinion by O'Neill, J., fn. * with Nares, Acting P. J., and McDonald, J.,
 concurring.)

COUNSEL

Terry R. Dowdall for Plaintiff and Appellant.

Endeman, Lincoln, Turek & Heater, Donald R. Lincoln and Linda B. Reich
 for Defendant and Respondent.

Jeffrey Epp for Real Party in Interest.

OPINION

O'NEILL, J. fn. *

Rainbow Disposal Company, Inc. (Rainbow), owner of a mobilehome park in the City of Escondido, appeals a judgment denying its petition for writ of mandate (Code Civ. Proc., ? 1094.5) challenging the adequacy of a rental increase authorized by the Escondido Mobilehome Rent Review Board (the Board). Rainbow contends (1) the Board improperly excluded from consideration as capital improvement expenses the money Rainbow spent in improvements to the park's gas and electric utilities and [64 Cal.App.4th 1162] (2) the rental increase the Board authorized gives

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Rainbow an insufficient return on the park's depreciated net assets. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

In 1990 Rainbow purchased a 165-space mobilehome park known as Lake Bernardo Mobile Estates (the park) for \$4,950,000 plus closing costs. The park is subject to an Escondido rent control ordinance which, as this court has noted, "has generated significant appellate activity." (*Westwinds Mobile Home Park v. Mobilehome Park Rental Review Bd.* (1994) 30 Cal.App.4th 84, 88 [35 Cal.Rptr.2d 315], fn. omitted.)

In June 1994 Rainbow filed its second application for a rent increase. The Board granted an increase of \$6 in January 1995. fn. 1 In March Rainbow commenced the instant action by filing a petition for administrative mandamus challenging the Board's decision. Rainbow filed a first amended petition in May in response to the Board's demurrer and motion to strike the original petition. fn. 2

Before a hearing was held on Rainbow's first amended petition, the parties stipulated that the Board would rescind its decision granting a \$6 rent increase and rehear the matter. In November 1995 Rainbow filed a new application seeking a rent increase of \$58.33.

The Board issued a comprehensive staff report on Rainbow's new application. Attached to and discussed in the staff report were the reports of two consultants, Dr. Kenneth Baar and Dr. James Gibson, each of whom the Board hired to perform a "fair return" analysis-i.e., an analysis of how much rent increase would be required to give Rainbow a fair return on its investment in the park.

Baar's analysis was based on a "maintenance of net operating income" (MNOI) approach into which he factored the increase in the consumer price index (CPI) between June 1991 and June 1995, the increase in Rainbow's operating expenses during that same period, and a return on Rainbow's [64 Cal.App.4th 1163] expenditures on capital improvements to the park. Based on these factors Baar recommended a range of rent increase from \$37.21 to \$57.33.

In calculating Rainbow's capital improvement costs, Baar excluded expenditures of over \$200,000 for gas and electric improvements, which comprised 48 percent of Rainbow's total expenditures for capital improvements during the relevant time period. Baar excluded the gas and electric improvements on the theory Rainbow was already being compensated for them through the rates it charged tenants for gas and electricity. Amortizing the remaining capital improvement costs over 27 and 1/2 years at 10 percent interest, Baar proposed a rent increase of \$11.80 for capital improvements, in addition to other increases.

Gibson used an "historical cost/book value" approach in his fair return analysis. Gibson's approach involved calculating a rate of return for the park by dividing various estimates of the park's net income by various estimates of the value of its assets, and then comparing the resulting rates of return with certain published "benchmark" rates of return for profitable businesses. Gibson determined the amount of overall annual rent increase required to provide Rainbow with a fair return by multiplying the difference between a particular benchmark rate and the park's rate by the park's asset value. The results of Gibson's approach varied greatly depending on the data used. However, Gibson initially recommended an increase between \$45.17 and \$58.33. At a hearing on Rainbow's application, Gibson stated that if the gas and electric improvements were subtracted from his estimate of the park's historical cost/book value, his recommended range of rent increase would be from \$35.17 to \$48.33.

Also attached to the staff report were a fair return analysis by the park residents' representative, John Herzing, and an appraisal report by James Brabant, concluding the value of the park at the time Rainbow purchased

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it was \$3,685,000. Based on his own MNOI analysis, Herzing requested a rent increase of \$10.08, minus \$6.14 for loss of amenities and other offsetting factors.

The staff report mathematically "harmonized" the data, including Baar's and Gibson's recommendations, the CPI, and the amount by which the park's rent was below comparable parks in the area, to arrive at a recommended increase of \$36.09. fn. 3

On January 14, 1996, the Board held a hearing on Rainbow's revised application. Baar and Gibson explained their fair return analyses; Herzing **[64 Cal.App.4th 1164]** argued there should be no rent increase; Brabant reiterated his opinion that the park was worth \$3,685,000 at the time Rainbow purchased it; and Rainbow introduced a real estate broker who supported Rainbow's \$4,950,000 purchase price. One resident advocate argued the hearing was illegal because the Board lacked jurisdiction to reconsider its original \$6 rent increase and another discussed loss of amenities in the park.

On February 14 the Board issued a supplemental staff report to which supplemental reports by Baar and Herzing were attached. Baar explained differences between his analysis and Herzing's and reiterated his recommendation that rent be increased by \$37.21. Herzing criticized Baar's analysis and reiterated his recommendation that no increase be granted. The Board staff now concurred completely with Baar's analysis and recommended the Board adopt the \$37.21 rent increase he recommended.

The Board reopened the hearing on Rainbow's application on February 21. At that hearing Rainbow raised the amount of its requested rent increase from \$58.33 to \$120 while Herzing continued to criticize Baar and requested a rent decrease. There was also additional testimony about loss of amenities and argument that the hearing was illegal. The Board continued the hearing to March 20.

On March 15 the Board staff issued a second supplemental staff report reaffirming its concurrence with Baar's recommendation of a \$37.21 increase, including \$11.80 for capital improvements. The report concluded any loss of amenities was minor, justifying no more than a \$1 offset against any allowable increase. Prior to the March 20 hearing the Board also received additional reports from Baar and Herzing.

On March 20 the Board again reopened the hearing, at which time the staff reiterated its recommendation that the Board adopt Baar's recommendation; Herzing continued his criticism of Baar's analysis; loss of amenities was further discussed; and the legality of the hearing was again questioned. After all present were allowed to speak, the Board closed the hearing and voted to grant a rent increase of \$36.21, which included a \$11.80 capital improvement increase for 27 1/2 years. fn. 4 The Board issued its formal findings and decision on March 27. The Board's resolution granting the rent increase discussed each of 11 factors required to be considered under the rent control ordinance. **[64 Cal.App.4th 1165]**

On April 30 Rainbow filed a motion for administrative mandamus in the instant action challenging the Board's March 1996 decision to grant a rent increase of \$36.21. The court heard the matter and ruled that (1) Rainbow's original challenge to the Board's January 1995 \$6 rent increase was mooted when the parties stipulated that the Board could rescind its original decision and rehear the matter, and (2) the Board's March 1996 rent increase of \$36.21 was supported by substantial evidence. The court entered judgment denying Rainbow's petition for administrative mandamus and dismissing the action with prejudice.

DISCUSSION

I. Standard of Review

[1] Appellate review of a decision by a mobilehome rent control board is governed by the substantial evidence standard. (*Westwinds Mobile Home Park v. Mobilehome Park Rental Review Bd.*, *supra*, 30 Cal.App.4th at p. 90.) Regarding the Escondido rent control ordinance, this court has noted the substantial evidence question is whether the rental rate granted by the Board "provided a 'fair rate of return on the cost of that applicant's equity investment.'" [Citation.]" (*Id.* at pp. 90-91.)

II. Exclusion of Utility Improvement Costs From Capital Expenses

[2] Rainbow's main contention in this appeal is that the Board erred by excluding \$223,847 Rainbow spent to improve the park's gas and electric utility systems from consideration as capital improvement costs.

A. Public Utilities Commission Ruling

The Board ultimately accepted Baar's analysis and conclusion regarding an appropriate rent increase for capital improvements. Baar excluded gas and electric improvements from consideration as capital improvements based on a published decision of the Public Utilities Commission (PUC) entitled *Re Rates, Charges, and Practices of Electric and Gas Utilities Providing Services to Master-metered Mobile Home Parks* (1995) 58 Cal.P.U.C.2d 709 (*Rates, Charges, and Practices*).

In *Rates, Charges, and Practices*, *supra*, the PUC explained: "Most mobile home park owners take gas and electric service through a master-meter. The park owners, in turn, submeter service to their tenants. To at least partially cover the cost of submetering, the serving utility's master-meter rate schedules provide a submetering discount to the park owners. [64 Cal.App.4th 1166]

"[Public Utilities Code section] 739.5 regulates the rates that master-metered mobile home parks with submetered utility systems may charge their tenants. This code section requires master-metered mobile home parks to charge tenants at the same rate the utility would charge the tenants for direct service. The discount is intended to cover the 'average costs' of park owners to provide submetered service, but is not to exceed the 'average cost' of the serving utility to provide comparable service to tenants directly served by the utility. The park owner must maintain and, as necessary, replace the distribution system beyond the master-meter. In addition, the park owner must maintain and read the submeters and provide each submeter customer with an itemized billing similar in form and content to bills provided by the public utility. Basically, within the mobile home park, the park owner performs the functions (except some emergency and safety functions) of the public utility." (*Rates, Charges, and Practices*, *supra*, 58 Cal.P.U.C.2d at p. 710, fns. omitted.)

The PUC concluded master-metered park owners are barred from recovering the costs of improving their gas and electric systems through rent increases because Public Utilities Code *fn. 5* section 739.5 expressly limits their recovery of such costs to the amount derived from the submetering discount. (*Rates, Charges, and Practices*, *supra*, 58 Cal.P.U.C.2d at p. 717.) The PUC focused on the language in section 739.5, subdivision (a), stating that " 'the master-meter customer shall charge each user of the service at the same rate which would be applicable if the user were receiving gas or electricity, or both, directly from the gas or electrical corporation.' " (*Rates, Charges, and Practices*, *supra*, at pp. 717-718, quoting ? 739.5, subd. (a), original italics.) The PUC further noted section 739.5, subdivision (a) caps the submeter discount " 'at a level which will provide a sufficient differential to cover the reasonable average costs to master-meter customers of providing submeter service, except that these costs shall not exceed the average costs that the corporation would have incurred in providing comparable services directly to the users of the service.' " (*Rates, Charges, and Practices*, *supra*, at p. 718, quoting ? 739.5, subd. (a), original italics.)

The PUC concluded: "The plain language of the statute allows (1) for recovery of master-meter costs only up to the average cost that the utility would have incurred were it to provide service to the master-meter customer, and (2) that the master-meter customer charge each user of the service at the same rate that user would pay were he a direct utility customer." (*Rates, Charges, and Practices, supra*, 58 Cal.P.U.C.2d at p. 718.) Consequently, "tenants of master-metered parks shall not be subject to utility cost rent [64 Cal.App.4th 1167] surcharges for ongoing utility system repair and replacement. Master-meter customers are compensated in the manner and to the extent directed by [section] 739.5[, subdivision] (a), which provides a reasonably accessible means to obtain a return on property. There is no need to establish a procedure for individual parks to obtain rate increases to offset reasonably incurred uncompensated system replacement costs" (*Ibid.*)

In short, if submetered mobilehome tenants were required to pay the cost of maintaining and improving gas and electric systems through rent increases in addition to paying the park owner the same rate that would apply if they were receiving gas and electricity directly from a gas or electric company, they would effectively be paying more for gas and electricity than directly metered customers in contravention of section 739.5. For that reason the PUC in *Rates, Charges, and Practices, supra*, prohibited park owners from recovering the cost of maintaining and improving gas and electric systems from submetered tenants through rent increases.

B. Applicability of the PUC Ruling

Rainbow contends *Rates, Charges, and Practices*, does not apply to a park subject to a rent control ordinance. There are only two statements in *Rates, Charges, and Practices* that could possibly be interpreted as excluding rent-controlled parks from its ruling. First, after noting its "complete jurisdiction over utility rates, including the mobile home park discount . . . [and its] responsibility for adjudicating complaints that allege violation of [section 739.5's] requirement that the 'master-meter customer shall charge each user of the service at the same rate which would be applicable if the user were receiving gas or electricity, or both, directly from the gas or electrical corporation[,]' " the PUC stated: "However, we fully accept and embrace the fact that the [PUC] has no 'rent control' jurisdiction over mobile home parks and park owners." (*Rates, Charges, and Practices, supra*, 58 Cal.P.U.C.2d at p. 718.)

We agree with the Board's suggestion that in making that reference to rent control, the PUC was merely acknowledging its task is to control utility rates, not rent. Accordingly, its prohibition against recovering gas and electricity costs from submetered tenants through rent surcharges should not be construed as rent control but rather as utility-rate control.

That the PUC lacks rent control jurisdiction does not mean rent control boards are free to ignore its rulings concerning utility rates. The rationale of *Rates, Charges, and Practices* applies to rent-controlled parks as much as to parks that are not subject to rent control. Section 739.5, subdivision (a), as [64 Cal.App.4th 1168] interpreted by the PUC, precludes master-metered park owners from recovering the costs of repair and maintenance of gas and electric systems through rent whether such surcharges are unilaterally imposed by a park owner or authorized by a rent control board. There is no language in the statute that suggests it does not apply to parks subject to rent control. If the PUC was of the opinion that section 739.5, subdivision (a), was inapplicable to rent-controlled parks, it presumably would have made that clear in *Rates, Charges, and Practices*. fn. 6

The other reference to rent control in *Rates, Charges, and Practices* followed the PUC's statement that park owners who are "aggrieved by

[section 739.5] have every right to seek legislative amendment to authorize the recovery of additional charges by mobilehome park operators." (*Rates, Charges, and Practices*, *supra*, 58 Cal.P.U.C.2d at p. 718.) The PUC added: "As to mobilehome parks subject to rent control ordinances, those owners may seek amendments to the applicable ordinances to authorize specific types of infrastructure improvements necessary to preserve the quality of utility service to their mobilehome tenants." (*Id.* at pp. 718-719.) To the extent this statement suggests local ordinances can override the PUC's proscription against recovering utility maintenance and improvement costs through rent increases, it is incorrect, as an order of the PUC controls over a local ordinance where the two conflict. (*Orange County Air Pollution Control Dist. v. Public Util. Com.* (1971) 4 Cal.3d 945, 950 [95 Cal.Rptr. 17, 484 **[64 Cal.App.4th 1169]** P.2d 1361].) *fn. 7* The PUC's reference to seeking amendment of the "applicable ordinances" is ambiguous dictum which has no effect on the essential ruling and rationale of *Rates, Charges, and Practices*. *fn. 8*

The Board correctly viewed *Rates, Charges, and Practices* as precluding Rainbow's recovery of its expenditures on gas and electric improvements through a rent increase. Even if section 739.5 and *Rates, Charges, and Practices* were inapplicable to rent-controlled parks, the Board still had the discretion to apply the reasoning of *Rates, Charges, and Practices* and limit Rainbow's recovery of utility improvement costs to the income it obtained through its submeter discount.

C. Constitutionality of PUC Ruling

Rainbow contends the PUC's decision in *Rates, Charges, and Practices* is unconstitutional because it may operate in a confiscatory fashion. However, **[64 Cal.App.4th 1170]** we are not at liberty to review the constitutionality of *Rates, Charges, and Practices*. Only the California Supreme Court has jurisdiction to review orders of the PUC issued before January 1, 1998. (? 1759; *fn. 9 Barnett v. Delta Lines, Inc.* (1982) 137 Cal.App.3d 674, 681 [187 Cal.Rptr. 219]; *Hickey v. Robey* (1969) 273 Cal.App.2d 752, 763 [77 Cal.Rptr. 486].)

Certain mobilehome park owners filed applications for rehearing in *Rates, Charges, and Practices*, arguing, among other things, that the PUC's ruling infringed their right to contract and resulted in an unlawful taking. (*Re Rates, Charges, and Practices of Electric and Gas Utilities Providing Services to Master-metered Mobile Home Parks* (1995) 61 Cal.P.U.C.2d 225, 226-227.) The PUC rejected these constitutional challenges and denied the applications for rehearing. (*Id.* at pp. 227-232.) The park owners then sought review by the California Supreme Court. The Supreme Court denied review on October 6, 1996 (S048893) *sub nom. Western Mobilehome Parkowners Assn. v. Public Utilities Commission*. Consequently, we are bound by the PUC's interpretation of section 739.5 in *Rates, Charges, and Practices*. (*Hickey v. Robey*, *supra*, 273 Cal.App.2d at pp. 763-764 ["Though an order of the [PUC] be palpably erroneous in point of law, until it is annulled by the Supreme Court, it is binding . . . on all courts of this state. [Citations.]".])

III. Sufficiency of the Evidence

[3] Apart from objecting to Baar's exclusion of utility expenditures from capital improvements, Rainbow raises no other challenge to the sufficiency of the evidence to support Baar's MNOI analysis. The staff report and Board's resolution granting the rent increase adopted Baar's approach and considered each of 11 factors required to be considered under Escondido's rent control ordinance, including increase in the CPI, comparable rents, capital improvements, income and expenses. The Board's decision was the result of thorough expert analysis of the relevant evidence and exhaustive debate over its proper use in the Board's fair return determination. The evidence sufficiently supports the Board's finding that Baar's recommended increase, less \$1 for loss of amenities,

provided Rainbow a fair return on its equity investment. [64 Cal.App.4th 1171]

IV. Return on Depreciated Net Book Assets

Although the Board adopted Baar's MNOI approach and rent-increase recommendation, it noted the increase it approved also fell within the range of increases recommended by Gibson and, therefore, provided a fair return under his historical cost/book value approach as well.

Rainbow takes issue with Gibson's "historical cost" analysis because in making his ultimate rent increase recommendations, Gibson relied on Brabant's appraised value of the park at the time of acquisition of \$3,685,000 rather than Rainbow's actual acquisition cost of nearly \$5 million. *fn. 10* Rainbow cites a financial analysis of the park done by Brinig & Company at the Board's request in connection with the January 1995 proceedings resulting in the \$6 rent increase. The Brinig report determined the net book value of the park's assets at the end of 1993 was \$5,197,721 and the park's net operating income for 1993 was \$280,699. Based on these figures, the Brinig report noted the net operating income was 5.4 percent of the net book assets. Rainbow contends the Board should have approved a rent increase that would raise Rainbow's operating income to 10 percent of \$5,197,721, because this court in *Yee* noted the same Board assumed a fair rate of return in that case was 10 percent. (*Yee v. Mobilehome Park Rental Review Bd.*, *supra*, 17 Cal.App.4th at p. 1103.) This contention is without merit.

It is clear from the record the Board adopted Baar's MNOI analysis in determining the amount of rent increase needed to provide Rainbow a fair rate of return. The Board merely noted in passing that the approved rent increase also fell within the range of Gibson's recommendations. Because there is substantial evidence to support the finding that Baar's MNOI [64 Cal.App.4th 1172] approach and resulting rent increase provided Rainbow a fair return, we need not address Rainbow's objections to Gibson's analysis or its contention it is getting an insufficient rate of return on depreciated net book assets.

[4] As this court has repeatedly noted, "... there is no single constitutionally required formula which must be utilized when government seeks to regulate the price charged for a good or service. [Citation.] ... [A] governmental entity may choose to regulate pursuant to any fairly constructed formula *even though other proper formulas might allow for higher prices.*" (*Palomar Mobilehome Park Assn. v. Mobile Home Rent Review Com.* (1993) 16 Cal.App.4th 481, 487 [20 Cal.Rptr.2d 371], *italics added*; *Yee v. Mobilehome Park Rental Review Bd.*, *supra*, 17 Cal.App.4th at p. 1104; *San Marcos Mobilehome Park Owners' Assn. v. City of San Marcos* (1987) 192 Cal.App.3d 1492, 1498 [238 Cal.Rptr. 290].) The United States Supreme Court held: "It is not theory but the impact of the rate order which counts. If the total effect of the rate order cannot be said to be unjust and unreasonable, judicial inquiry . . . is at an end." (*Power Comm'n v. Hope N Gas Co.* (1944) 320 U.S. 591, 602 [64 S.Ct. 281, 288, 88 L.Ed. 333].)

"A 'just and reasonable' rate of return is one high enough to encourage good management, reward efficiency, discourage the flight of capital, and enable operators to maintain their credit, and which is commensurate with returns in comparable enterprises, but which is not so high as to defeat the purpose of rent control to prevent excessive rents. [Citation.] There is a range of rents which can be charged, all of which could be characterized as allowing a 'just and reasonable' return. [Citations.] Thus, many decisions by rent control boards will focus on the issue of where the requested increases fall within the range of possible rents-all of which rents would allow the owner a return sufficiently 'just and reasonable' as to not be constitutionally confiscatory." (*San Marcos Mobilehome Park Owners' Assn. v. City of San Marcos*, *supra*, 192 Cal.App.3d at pp. 1502-1503.)

Baar's MNOI approach adopted by the Board is a "fairly constructed formula" which provided Rainbow a sufficiently "just and reasonable" return on its investment. "The [MNOI] approach has been praised by commentators for both its fairness and ease of administration. [Citations.]" (*Palomar Mobilehome Park Assn. v. Mobile Home Rent Review Com.*, *supra*, 16 Cal.App.4th at p. 486.) The Board was not obliged to reject Baar's MNOI analysis just because an historical cost/book value formula using Rainbow's actual cost of acquisition and a 10 percent rate of return would have yielded a higher rent increase. [64 Cal.App.4th 1173]

DISPOSITION

The judgment is affirmed.

Nares, Acting P. J., and McDonald, J., concurred.

Appellant's petition for review by the Supreme Court was denied August 19, 1998. Baxter, J., did not participate therein.

?FN *. Judge of the San Diego Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

?FN *. Judge of the San Diego Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

?FN 1. References to dollar amounts of rent increase are to the amount per month per space. Rainbow's first application resulted in an increase of \$7 in 1992. In 1989 the Board granted the park's previous owner an increase of about \$22.

?FN 2. The Board demurred to and moved to strike the second cause of action of Rainbow's first amended petition in which Rainbow alleged it was denied a fair hearing because the Board was composed of members of the city council. The court sustained the demurrer and granted the motion to strike with leave to amend. Rainbow chose not to amend the second cause of action. Consequently, the action proceeded on the first cause of action alleging the Board's findings were not supported by the evidence.

?FN 3. The staff's harmonizing approach was as follows: The highest recommended increase (Gibson's \$58.33) and the lowest recommended increase (presumably Herzing's) were discarded, leaving the following four components: \$45.17 (Gibson's low), \$12.90 (60 percent of CPI), \$37.21 (Baar's low) and \$49.08 (Baar's high). These were added together and the total (\$144.36) was divided by four, resulting in the recommended increase of \$36.09.

?FN 4. The Board decreased Baar's recommendation by \$1 to reflect its concern for the loss of amenities.

?FN 5. All further statutory references are to the Public Utilities Code.

?FN 6. In *Steiner v. Palm Springs Mobilehome Properties* (1997) Cal.P.U.C. Decision No. 97-07-009 [1997 WL 449535], cited by the Board at oral argument, the PUC confirmed that its ruling in *Rates, Charges, and Practices* applies to a mobilehome park subject to a rent control ordinance. *Steiner* involved a mobilehome park resident's challenge to an increase in natural gas utility charges approved by the Rent Review Commission of the City of Palm Springs. The PUC ruled that "to the extent the Rent Commission has ordered a 'rent' increase to cover the costs of the natural gas submeter system incurred by the Sahara Mobilehome Park . . . , the Rent Commission has impermissibly intruded on the constitutional and statutory ratemaking authority of the [PUC]." (*Id.* at p. *2.) The PUC held that "a mobilehome park owner . . . is prohibited from collecting utility costs from tenants, no matter what the rubric under which the utility costs are charged, except for those costs included in the

applicable residential tariff of the serving public utility" (*Ibid.*) Noting the state through the PUC has occupied the field of regulating costs paid for utility services by residents and owners of mobilehome parks, the PUC concluded ". . . the Rent Commission may not intrude in this area of regulation. The Rent Commission's order in question in this proceeding is, therefore, unconstitutional because it directly conflicts with both the current . . . tariffs applicable to Sahara Park and its tenants and the orders in [*Rates, Charges, and Practices*]. Just as the Rent Commission does not have authority to approve the tariffs of [utility companies], by the plain language of section 739.5, it is preempted from ordering the rates and charges Sahara Park tenants pay for utility service . . . notwithstanding the label applied to [the] order." (*Steiner, supra*, at p. *9.) The PUC denied the park owner's application for rehearing of the *Steiner* decision, rejecting, among other arguments, various constitutional objections to the decision. (*Steiner v. Palm Springs Mobilehome Properties* (1997) Cal.P.U.C. Dec. No. 97-11-033 [1997 WL 797198].)

?FN 7. Rainbow argues the PUC's rulings are not binding on the Board because the PUC acts only in a legislative capacity, and a legislative determination cannot bind a trier of fact in a quasi-adjudicatory, evidentiary, rate-setting hearing. The logical extension of Rainbow's argument is that courts are not bound by statutes, which of course is not true. In any event, the PUC does not act only in a legislative capacity; its authority has been liberally construed, and includes judicial as well as legislative and administrative powers. (*San Diego Gas & Electric Co. v. Superior Court* (1996) 13 Cal.4th 893, 915 [55 Cal.Rptr.2d 724, 920 P.2d 669].)

?FN 8. In *Steiner* the PUC clarified its ordinance amendment reference as follows: "We note that with respect to the exclusivity of this Commission's mandate, the Rent Commission misapprehended the meaning of one sentence in [our decision in *Rates, Charges, and Practices*] where we observed that mobilehome park 'owners may seek amendments to the applicable [rent control] ordinances to authorize specific types of infrastructure improvements necessary to preserve the quality of utility service to their mobilehome park tenants.' . . . The Rent Commission apparently misinterpreted and unduly extended the import of this statement to infer that we conceded a local rent control ordinance could set the costs of utility service to be paid by the tenants by authorizing infrastructure improvements for utility service.

"To clarify this point: we did not mean, and we are not authorized to propose, that a local ordinance could or may preempt the ratemaking authority vested in the Commission by the State's Constitution and statutory law. Our intention was only to suggest that some infrastructure improvements which may affect a mobilehome park and other surrounding properties, such as costs for a flood diversion project, may be considered by the park owner to preclude future submeter system maintenance costs. By applying the standard rules of text construction, our statement cannot mean, and obviously was not intended to mean, anything which contradicts or is inconsistent with the explicit Conclusions of Law and the express orders of [*Rates, Charges, and Practices*] prohibiting submeter system costs in rent charges. . . . [?] [O]ur [decision in *Rates, Charges, and Practices*] prohibiting the mobilehome park owners from recovering submeter system costs from the park tenants in rent or other charges not approved by [the PUC] was upheld by the California Supreme Court. . . . Therefore, the Rent Commission directly contravened a duly established final order of this Commission, and impermissibly intruded in the area of utility ratesetting. It is well-established that this Commission's orders may not be hindered, evaded, or ignored. [Citations.]" (*Steiner v. Palm Springs Mobilehome Properties, supra*, Cal.P.U.C., Dec. No. 97-07-009) [1997 WL 449535 at p. *10].)

?FN 9. By a 1996 amendment to section 1759 the Legislature extended jurisdiction to review PUC orders to the Courts of Appeal. However, the amendment applies only to review of orders and decisions effective on or

after January 1, 1998. PUC orders and decisions effective before that date, such as *Rates, Charges, and Practices*, are reviewable only by the Supreme Court under the previous version of section 1759. (See Historical and Statutory Notes, 57A West's Ann. Pub. Util. Code, ? 1759 (1998 pocket supp.) p. 18.)

FN 10. The acquisition cost of a park is a key component in the historical cost approach to calculating a fair rate of return. In *Yee v. Mobilehome Park Rental Review Bd.* (1993) 17 Cal.App.4th 1097 [23 Cal.Rptr.2d 1], this court explained: "The 'historical cost' standard treats the actual cost of the property including that represented by encumbrances (the rough equivalent of book value) as the 'investment' and the net operating income with no deduction for interest paid on encumbering debt as the 'return.' " (*Id.* at p. 1104, fn. 5.) To determine a park's annual rate of return under this approach the park's "operating profit" (net income plus interest expenses) is divided by the net book value of the "investment" (acquisition cost plus capital improvements minus accumulated depreciation). (*Westwinds Mobile Home Park v. Mobilehome Park Rental Review Bd.*, *supra*, 30 Cal.App.4th at pp. 91-92.)

Gibson's report supplemented the "normal return on total book assets method" with a return on assets using an "imputed park value as a means to estimate true imputed book assets." The imputed park value was based on Brabant's appraised value of the park at the time of purchase or \$3,685,000. Gibson's report concluded: "Under our rate of return scenarios, all of the book value estimates for a rent increase should be highly discounted because of (1) the inflated and uncertain nature of the park sales price"

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June 1st 2010

Since our time limit has been decreased by Community Development we feel we must submit this to you personally. We were advised all information to be considered by Commission be delivered to Community Development on or before June 4th 2010.

If you recall the Owner's attorney stated their net operating income is 9.0%.

When referring to Dr. Barr's analysis of Bayscene MHP net operating income of 6.5% is within the normal range of return on recent investments in MHPs.

**Reference;*

*Analysis of Rent Increase Petition by Bayscene MHP
Pg. ii paragraphs 2 & 3*

We have found other inaccuracies in their petition; please refer to the following pages.

In reviewing the \$ 531.00 avg. rent for Brentwood LLC, I realized this figure only represents 200 of 268 spaces. When calculating a Fair Rate of Return Analysis according to Industry Standards the sub-total of all rents need be considered hence the following:

<i>Bayscene MHP</i>	<i>Brentwood LLC</i>
<i>Purchase Prices \$ 7,500,000.00</i>	<i>\$ 5,235,929.00</i>
<i>121sp. X 500.00 X 12 =</i>	<i>200sp. X 531.00 X 12 =</i>
<i>\$ 726,000.00</i>	<i>\$ 1,274,400.00</i>
	<i>*This figure does not consider</i>
	<i>All rents the park is collecting</i>

Pg. 14 below table 6:

Using Owners figures

<i>31 sp. X under 500.00 =</i>	<i>\$ 14,335.02</i>	<i>average of stated rents</i>
<i>48 sp. X 512.50 =</i>	<i>24,600.00</i>	<i>average of their lows & highs</i>
<i>64 sp. X 537.50 =</i>	<i>34,400.00</i>	<i>average of their lows & highs</i>
<i>41 sp. X 562.50 =</i>	<i>23,062.50</i>	<i>average of their lows & highs</i>
<i>16 sp. X 575.00 =</i>	<i>9,200.00</i>	<i>average of their lows & highs</i>
<i>200 sp. Total</i>	<i>\$ 106,216.07</i>	<i>÷ 200 = \$ 531.08 quoted average rents</i>

58 sp. X 669.00 = \$ 38,802.00 average of their lows & highs

\$ 106,216.07 + 38,802.00 = 145,018.07 ÷ 258 = \$ 562.09 not considered in avg.

*10 sp. X 675.00 = \$ 6,750.00 (9 new (5 sold) 1 old)*was omitted from calculations*

\$ 145,018.07 + 6,750.00 = 151,768.07 ÷ 268 sp, = \$ 566.30

Is the actual average rent base in Brentwood LLC

\$ 566.30 - \$ 531.08 = \$ 35.22

*** In essence Owners have a \$ 35.22 higher average than has been quoted.*

FYI rents collected by Brentwood LLC total:

\$ 145,018.07 X 12 months = \$ 1,740,216.84 X 3 yrs. = \$ 5,220,650.52 (This does not include the 9 new and 1 old space, even though 5 new have been sold.)

***Bayscene MHP received *0*.*

P.D. Vaughn, CVMHRA, President

Table 5: Predominant Rents

EXISTING RESIDENTS	Low Rent	Average/ Predominant Rent	High rent
Brentwood Park	\$429	\$531	\$607
Bayscene Mobilehome Park	\$450	\$670	\$861
Don Luis Estates	\$495	\$584	\$895
Palms Mobile Estates	\$460	\$545	\$618
Thunderbird Mobile Lodge	\$474	\$520	\$550
Rancho Bonita	\$460	\$500	\$600
Five & Ten Mobile Ranch	\$407	\$464	\$575
Rancho Chula Vista	\$650	\$680	\$710
Bonita Paradise	\$575	\$575	\$690
AVERAGE	\$496.38	\$567.25	\$687.38

F. Rents and Increases at the Mobilehome Park - The timing and amount of rents and increases for this and other spaces at the mobilehome park.

A summary of rents for those affected spaces in provided in Table 6, recent move-in rental rates at Brentwood is provided within the information submitted by the park owner (see Exhibit 3).

Table 6: Brentwood Monthly Space Rents

Description	Affected Residents			
	Current	Proposed Yr 1	Proposed Yr 2	Proposed Yr 3
Average	\$531	\$563	\$595	\$627
Minimum	\$429	\$461	\$493	\$525
Maximum	\$607	\$639	\$671	\$703

Current rents vary greatly within the park, with 31 residents paying under \$500 a month, 48 paying between \$500-\$525, 64 paying \$525-\$550, 41 paying \$550-\$575, and 16 paying over \$575. The proposed rent increases overall would bring the average rent for the affected spaces to \$627.08 in 2012. Currently the 58 residents not affected by this current proposed increase are paying between \$625-\$763, with the average at \$669. The new move-in rate at the park is currently \$675.

G. Quantity and Quality of the Improvements and Features - The quantity and quality of the improvements and features at the mobilehome park and any decrease or increase in such improvements and features.

Rent increases where there is a decrease in the quantity and quality of improvement and features could result in a negative impact on the value of the resident's investment in the mobilehome and the resale value. In this case, the Park owner is upgrading the Park and, therefore, Park residents may

**Case docs. Not reflecting increases in revenues for the following. But does make reference to intent, pg. 13, #12, line 18 and pg. 14 # 12, line 21.

9 New spaces added

$$\begin{aligned} \$ 675.00 @ \times 9 &= \$6,075.00 \text{ (month)} \times 12 = \\ & \$72,900.00 + \text{CPI(?) per year} \end{aligned}$$

2 New proposed spaces (replace laundry blg.)

$$\begin{aligned} \$ 675.00 @ \times 2 &= \$1,350.00 \text{ (month)} \times 12 = \\ & \$ 16,200.00 + \text{CPI (?) per year} \end{aligned}$$

Multiply these for the term of the lease (39yrs.) =

$$\$ 2,843,100.00$$

$$\underline{\quad 631,800.00 \quad}$$

$$\$ 3,474,900.00$$

This additional revenue
Only benefits the
Owners not Residents.

Simple math when given all the figures.

11. The timing and amount of rents and increases for this and other spaces at the mobilehome park. Rents since April of 2007 have been increased by the CPI amount published by the City of Chula Vista Community Development Department Housing Division as stated in section 8 of this questionnaire application. The rents are increased with a 90 day notice prior to the anniversary date month of each resident. The new rent amount becomes effective upon the first day of the anniversary date month. See attached rent schedule for detail of the previous rents, current rents, proposed rents and anniversary dates for each of the sites in Brentwood.

12. The amount of and quality of improvements and features at the mobilehome park.

1. Complete upgrading and replacement of the electrical distribution system including new pedestals at every site capable of providing 100 amp service. This doubled the amperage available from the 50 amps that were available with the old system. The electrical system project also included the installation of 95 new street lights to meet the newest standards of Title 25.
2. Installation of a complete fire hydrant system throughout the property.
3. Street repair and resurfacing throughout the property.
4. Installation of a block perimeter wall along the north side of the property to increase security
5. Switching from the dumpster system of trash removal to individual pickup at each site.
6. The remodeling of the swimming pool and spa area including the resurfacing of the deck.
7. Construction of a block wall to replace the old shed type structure along the west side of the pool area and also to assist in noise reduction from the freeway.
8. Purchase of new tables and chairs for the clubhouse.
9. Refurbishing of the entry signs and entry area.
10. Painting of perimeter wall along Industrial Blvd. to enhance the appearance of the property.
11. Trimming and skinning of the palm trees in the property.
12. Removal of old ice plant along Industrial Blvd. perimeter and replacement with landscaping rock for a more appealing appearance.
13. Removal of overgrown vegetation along south perimeter and replacement with landscaping rock.
14. Installation of security camera system to monitor the common areas and street areas around the clubhouse.
15. Replacement of the clubhouse roof and painting of the clubhouse.
16. Remodeling of park office to increase efficiency and appearance.
17. Installation of centralized mailboxes so the resident's mail can be secured upon delivery.
18. Construction of 9 new mobile home sites in an area that had previously been used for RV units to provide a permanency to the north end of the property.
19. Repair of city storm drain that drains Industrial Blvd. through Brentwood to the storm drain system that borders Interstate 5.

20. Construction of a new laundry facility and maintenance garage in area where old shuffleboard courts previously existed. (This has been contracted for and construction is expected to begin soon)
21. When the new laundry building is complete, the two old laundry and storage buildings will be removed and one mobile home site will be created where each of the buildings previously existed.
22. Additional street repair and resurfacing is planned as soon as the new laundry is completed and the old laundries are removed and utilities are extended to the old laundry sites.
23. Windows and doors in the clubhouse have been replaced to reduce freeway noise in the clubhouse.
24. The resurfacing of all of the driveways will be completed when the street repair and resurfacing is completed after the laundry building is completed.
25. Creation of a new parking area for the new laundry room and the mailbox area.

13. The amount of and quality of improvements and features at the mobilehome park.

Same as number 12

Item no. 2: Brentwood MHP

Pg. 10 Table 2

Improves the Park Owners property

Not existing residents but yet they are trying to charge them \$ 96,000.00 for 9 new spaces.

Item no. 2: Brentwood MHP

Pg. 11 Table 3

Proposed charges of \$ 20.00.00 for removing 2 laundry buildings to make room for the other 2 rental spaces.

*New spaces not factored as increased revenue for owners.

*Resident's space rent is only for the bare ground any improvements to those grounds are the responsibility of the resident.

*PLUS Electric, Gas, Water, Sewer &
Trash pickup

V. ANALYSIS

If a proposed rent increase is submitted to the Mobilehome Rent Review Commission pursuant to Chapter 9.50, the Commission shall determine the rent that is fair, just and reasonable, and, in doing so, shall consider the factors listed below. Staff has reviewed all evidence submitted by the park owner to be presented to the Commission for its consideration. The Commission's decision shall be based on evidence presented to the Commission in connection with this matter, including testimony and other evidence presented at the hearing. In making its determination, the Commission shall consider the following factors:

A. Fair & Reasonable Return - *The need for the proposed rental increase in order to permit the owner to secure a fair and reasonable return, when considering the existing rental scheme for all spaces in the park and all existing or expected expenses in owning and operating the park. A fair and reasonable return may be determined by the Commission by reference to industry standards, risk of investment, or other acceptable standards.*

In support of the fair rate of return rent increase, Brentwood Mobile Home Park has submitted information related to increased costs as a result of the recent acquisition of the Park by the new Park owner and costs associated with completed and anticipated repairs, maintenance and upgrades to the Park.

Consistent with Section 9.50.073 (A) the park owner provided a Statement of Revenue and Expenses for the years 2007, 2008 and 2009. Brentwood was acquired by the current owner in April 2007. Some of the information related to the current owner's revenue and expenses may not accurately reflect the future income stream and costs of operating the park on a day to day basis because of proposed rent increases and expenses that are directly related to the acquisition of the property.

1. *In considering the existing or expected expenses in owning and operating the park in following prudent business practices, the Commission should consider the following or any similar or related items of expense, the reasonableness of such items, and changes to them:*

- a. *Actual financial investment in park improvements.*

Improvements/upgrades completed for the park include those items listed in Table 2. All other items listed are considered rehabilitation, repairs required and maintenance costs.

Table 2: Financial Investment

Description	\$	Status
Construction of 9 new sites to replace old RV area	96,224.19	Completed
Construction of new laundry building and maintenance garage	150,000.00	Proposed 7-1-10
TOTAL	\$ 246,224.19	

f sold 9/03/10

Will be replaced by 2 more sites.

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Investors

How Mobile Home Parks Make More Money Than Single-Family Home Investing

Just about anybody who watches late night TV, or receives email, or reads, knows that there are hundreds of people promoting concepts to make money in single family homes. "Buy foreclosures", "profit from short sales", "wholesale houses" — there are at least 1,000 different concepts. Unfortunately, the only people who actually make money in many of these ideas are the promoters. There are so many people chasing after single-family homes to invest in that the market is beyond saturated, and any profitability has been extinguished.

How about looking at something that few people are involved in and that actually generates money for the investor — not just the promoter? That real estate niche is mobile home parks. And they have offered superior returns to the lucky few who understand them for several decades.

It's all about the cap rate

Single family homes suffer from low, or often negative, "cap rates". A "cap rate" is the actual return on the debt and equity of the investment. A typical single family home investment of a \$100,000 house normally rents for \$900 per month. However, before you think that it's a \$900 per month return on your \$100,000 investment (which is about a 10% "cap rate"), remember that you have to take out property tax (about \$200 per month), insurance of about \$100 per month, and repair and maintenance of another \$200 per month (I'm talking about those big-dollar repairs like roofs, etc. averaged over time, too). So your net income is only \$400 per month, which is a 5% cap rate.

Mobile home parks make at least double that amount. Good mobile home parks have a 10% cap rate or better.

So right off the bat, mobile home parks make about 100% more per year than single-family investments.

It's hard to push rents in single family homes

Single-family homes are plentiful. Your local newspaper is bursting with homes for sale or rent. As a result, it is very hard to increase rents — in fact, the norm these days is to decrease rents with single-family homes. In many markets, there is a terrible spiral down in rents as investors effectively bid against each other to attract tenants.

Mobile home parks are in very limited supply, by comparison. In most cities, you cannot obtain permits to build mobile home parks — and you have not been able to for decades. As a result, the supply is limited, and there are few competitive forces to contend with.

It's another important point to note that it costs \$3,000 to move a mobile home from point A to point B. That's why 95% of mobile homes only move one time — from factory to mobile home park — in their entire lives. As a result, you can raise your rent level 5% to 10% per year and not lose a single tenant. Few tenants are willing, or able, to spend \$3,000 to move their mobile home over a \$20 per month rent increase.

Single-family home investors know too much

Your average single-family home seller is pretty sophisticated. They've bought and sold several homes, and know pretty accurately what the correct price should be. And they normally have debt on the house.

Mobile home park sellers are typically "mom and pop" owners, who are very unsophisticated. They often price their park for a fraction of what it's actually worth. And they rarely have any debt. As a result they can often carry the financing themselves — at below market rates and with non-recourse.

Conclusion

There is a lot more money in mobile home park investing than in single-family home investing. That may be why there are five publicly-traded mobile home park real estate

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